ESTTA Tracking number:

ESTTA622309 08/19/2014

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212477
Party	Plaintiff Balance Bar Company
Correspondence Address	R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON, NY 11702 UNITED STATES docket@schroederlawpc.com,gschroeder@schroederlawpc.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	R. Glenn Schroeder
Filer's e-mail	docket@schroederlawpc.com,gschroeder@schroederlawpc.com
Signature	/r. glenn schroeder/
Date	08/19/2014
Attachments	Opposer's_First_Notice_of_Reliance.pdf(1623255 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Published for Opposition on March 19, 2013 Trademark: EARTH BALANCE		
BALANCE BAR COMPANY,	:	
Opposer, v.	:	Opposition No. 91212477
GFA BRANDS, INC.,	:	
Applicant.	; ;	

OPPOSER'S FIRST NOTICE OF RELIANCE

Pursuant to Rule 2.122(d) of the Trademark Rules of Practice, Opposer, Balance Bar Company, hereby submits, makes of record in connection with this opposition proceeding, and notifies Applicant of its reliance upon the attached printouts of the registrations cited in Opposer's Notice of Oppositions, obtained from the USPTO's TSDR (Trademark Status and Document Retrieval) system on August 18, 2014.

These registrations are relevant to this proceeding because, among other things, they establish that Opposer is the owner of valid and subsisting prior registrations for marks that are substantially similar to the mark at issue in this proceeding, such prior registrations encompassing identical and/or closely related goods. True and correct copies of the following TSDR records are attached hereto as Exhibits A1-A9:

- Exhibit A1: Registration No. 2,636,101 for the mark BALANCE GOLD for snack bars in Class 30.
- Exhibit A2: Registration No. 2,659,753 for the mark BALANCE BAR for nutritional food supplements in Class 5.
- Exhibit A3: Registration No. 2,745,850 for the mark BALANCE for protein-based, nutrient-dense snack bars in Class 29.
- Exhibit A4: Registration No. 2,999,244 for the mark BALANCE BAR GOLD for protein-based, nutrient-dense snack bars in Class 29.
- Exhibit A5: Registration No. 3,036,771 for the mark BALANCE BAR for protein-based, nutrient-dense snack bars in Class 29.
- Exhibit A6: Registration No. 3,436,917 for the mark BALANCE BARE for protein-based, nutrient-dense snack bars in Class 29; and grain-based food bars also containing fruits and nuts in Class 30.
- Exhibit A7: Registration No. 3,760,265 for the mark BALANCE PURE for protein-based nutrient dense snack bars in Class 29; and cereal based snack bars in Class 30.
- Exhibit A8: Registration No. 3,937,988 for the mark BALANCE for nutritional supplements and dietary food supplements in Class 5; and cereal-based, rice-based, or granola-based snack bars and snack foods in Class 30.
- Exhibit A9: Registration No. 4,062,171 for the mark BALANCE BAR for cereal-derived, rice-based and granola-based snack bars in Class 30.

Respectfully submitted,

BALANCE BAR COMPANY

Dated: 19 August 2014

By: R. Glenn Schroeder

Schroeder Law PC

110 Cooper Street #605

Babylon, New York 11702

Telephone: (631) 649-6109

Facsimile: (631) 649-8126

gschroeder@schroederlawpc.com

Attorney for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing OPPOSER'S FIRST NOTICE OF RELIANCE has been served via e-mail and first-class mail this 19th day of August, 2014 upon the following:

Johanna Wilbert, Esq. Quarles & Brady LLP 411 East Wisconsin Avenue Milwaukee, WI 53202 johanna.wilbert@quarles.com

R. Glenn Schroeder

EXHIBIT A1

Generated on: This page was generated by TSDR on 2014-08-18 20:32:36 EDT

Mark: BALANCE GOLD

BALANCE GOLD

US Serial Number: 75854595

Application Filing Date: Nov. 20, 1999

US Registration Number: 2636101

Registration Date: Oct. 15, 2002

Register: Principal Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Apr. 19, 2013

Publication Date: Nov. 06, 2001

Notice of Allowance Date: Jan. 29, 2002

Mark Information

Mark Literal Elements: BALANCE GOLD

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US 75983213

Registrations:

Parent Of: 75983213

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

Brackets [..] indicate deleted goods/services;

Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: SNACK BARS

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE Basis: 1(a)

First Use: Jun. 30, 2000

Use in Commerce: Jun. 30, 2000

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes Filed 44D: No

Currently ITU: No Currently 44D: No Currently 44E: No

Amended ITU: No Amended 44D: No

Filed 44E: No Filed 66A: No

Currently 66A: No

Amended 44E: No

Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Owner Name: BALANCE BAR COMPANY Owner Address: 2100 Smithtown Avenue

Legal Dept.

Ronkonkoma, NEW YORK 11779

UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lee Grosskreuz Hechtel

 $\textbf{Attorney Primary Email} \quad \underline{\texttt{lhechtel@nbty.com}} \ \underline{\texttt{speysekhman@nbty.com}}$ Address:

Attorney Email Yes Authorized:

Correspondent

Correspondent Lee Grosskreuz Hechtel
Name/Address: 2100 Smithtown Avenue
Legal Dept.
Ronkonkoma, NEW YORK 11779
UNITED STATES

Phone: 6312187335

Fax: 6312187341

 $\textbf{Correspondent e-mail:} \ \, \underline{ \text{lhechtel@nbty.com}} \, \underline{ \text{speysekhman@nbty.com}} \,$

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 19, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Apr. 19, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68973
Apr. 19, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68973
Apr. 15, 2013	TEAS SECTION 8 & 9 RECEIVED	
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 14, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 14, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 19, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
Jun. 03, 2008	ASSIGNED TO PARALEGAL	68973
May 21, 2008	TEAS SECTION 8 & 15 RECEIVED	
Oct. 02, 2007	CASE FILE IN TICRS	
Oct. 15, 2002	REGISTERED-PRINCIPAL REGISTER	
Oct. 11, 2002	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 19, 2002	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 02, 2002	ASSIGNED TO EXAMINER	
Apr. 03, 2003	STATEMENT OF USE PROCESSING COMPLETE	
Apr. 09, 2002	USE AMENDMENT FILED	
Apr. 03, 2003	DIVISIONAL PROCESSING COMPLETE	
Apr. 09, 2002	DIVISIONAL REQUEST RECEIVED	
Apr. 03, 2003	EXTENSION 1 GRANTED	
Apr. 09, 2002	EXTENSION 1 FILED	
Apr. 09, 2002	PAPER RECEIVED	
Jan. 29, 2002	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 06, 2001	PUBLISHED FOR OPPOSITION	
Oct. 17, 2001	NOTICE OF PUBLICATION	
Apr. 11, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 30, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 31, 2000	NON-FINAL ACTION MAILED	
Apr. 28, 2000	ASSIGNED TO EXAMINER	65999
Apr. 14, 2000	ASSIGNED TO EXAMINER	73363
	Maintenance Filings or Post Registration Information	

Affidavit of Continued Section 8 - Accepted

Use:

Affidavit of Section 15 - Accepted

Incontestability:

Renewal Date: Oct. 15, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Apr. 19, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: BALANCE BAR COMPANY

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4414/0199

Pages: 25

Date Recorded: Nov. 15, 2010

Supporting Documents: assignment-tm-4414-0199.pdf

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION State or Country Where DELAWARE

Organized:

Assignee

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where DELAWARE

Organized:

Address: 452 FIFTH AVENUE

14TH FLOOR

NEW YORK, NEW YORK 10018

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500

MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4423/0858

Pages: 26

Date Recorded: Dec. 02, 2010

Supporting Documents: assignment-tm-4423-0858.pdf

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assiance

Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where UNITED STATES

Organized:

Address: 281 TRESSER BOULEVARD

4TH FLOOR

STAMFORD, CONNECTICUT 06901

Correspondent

Correspondent Name: JACQUELINE P. SCHEIB

Correspondent Address: 280 TRUMBULL STREET ROBINSON & COLE LLP

HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456 Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: assignment-tm-4902-0456.pdf

Assignor

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Execution Date: Nov. 14, 2012

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where DELAWARE

Organized:

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 115 E. STEVENS AVENUE

SUITE 202

VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP 50 SOUTH SIXTH STREET, SUITE 1500

50 SOUTH SIXTH STREET, SUITE 1500 MINNEAPOLIS, MN 55402-1498

INIVERFOLIS, IVIN 55402-1498

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Pages: 5

Date Recorded: Nov. 26, 2012

Supporting Documents: assignment-trn-4906-0668.pdf

Assignor

Name: WEBSTER BANK, NATIONAL ASSOCIATION

Execution Date: Nov. 26, 2012

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where DELAWARE

Organized:

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: SUITE 202

115 E. STEVENS AVENUE

VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: 1633 BROADWAY

NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 11

Type of Proceeding: Opposition

Proceeding Number: 91212477

Filing Date: Sep 14, 2013

Status: Pending

Status Date: Sep 14, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: JOHANNA M WILBERT

QUARLES & BRADY LLP

411 E WISCONSIN AVE, SUITE 2040 MILWAUKEE WI, 53202-4497

UNITED STATES

Correspondent e-mail: tm-dept@quarles.com, inaltevine@quarles.com, <a href="mailto:ma

ndrea.fowler@quarles.com

Associated marks

Application Status

Serial Number Registration Number

Mark

Opposition Pending Plaintiff(s)

85751520

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER

SCHROEDER LAW PC 110 COOPER STREET , #605 BABYLON NY , 11702 UNITED STATES

 $\textbf{Correspondent e-mail:} \hspace{0.1in} \underline{ docket@schroederlawpc.com, gschroeder@schroederlawpc.com } \\$

Acer	ocis	het	mai	ks

Mark	Application Status	Serial Number	Registration Number
BALANCE GOLD	Renewed	75854595	<u>2636101</u>
BALANCE	Renewed	<u>76194400</u>	2745850
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	78409022	2999244
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE PURE	Registered	77734900	<u>3760265</u>
BALANCE	Registered	<u>85099089</u>	3937988
BALANCE BAR	Registered	<u>85099106</u>	4062171

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 14, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 14, 2013	Oct 24, 2013
3	PENDING, INSTITUTED	Sep 14, 2013	
4	ANSWER	Oct 10, 2013	
5	STIPULATED PROTECTIVE ORDER	Feb 18, 2014	
6	TRIAL DATES REMAIN AS SET	Feb 20, 2014	
7	P MOT FOR EXT W/ CONSENT	Apr 15, 2014	
8	EXTENSION OF TIME GRANTED	Apr 16, 2014	
9	CORRECTION TO SCHEDULE	Apr 21, 2014	
10	D EXPERT DISCLOSURES	Apr 22, 2014	
11	P REBUTTAL DISCLOSURES	May 27, 2014	
12	D EXPERT DISCLOSURES	Jun 19, 2014	
13	STIP FOR INTRO OF EVIDENCE	Aug 06, 2014	
14	TRIAL DATES REMAIN AS SET	Aug 14, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91203829

Filing Date: Feb 14, 2012

Status: Terminated

Status Date: Apr 03, 2014

Interiocutory Attorney: JENNIFER KRISP

Defendant

Name: Doctor pHresh Nutritionals, L.L.C.

Correspondent Address: FARLEY I WEISS AND MARK H WEISS

WEISS MOY PC

4204 N BROWN AVE

SCOTTSDALE AZ, 85251 3914

UNITED STATES

 $\textbf{Correspondent e-mail:} \underline{ \text{kmotolenich@weissiplaw.com,gmarinelli@weissiplaw.com,fweiss@weissiplaw.com} \\$

Associated marks

MarkApplication StatusSerial NumberRegistration NumberPHRESH BALANCEAbandoned - After Inter-Partes Decision85175388

Plaintiff(s)

Name: Balance Bar Company

P RESP TO BD ORDER/INQUIRY

26

Correspondent Address: R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER ST 605 BABYLON NY, 11702 UNITED STATES

 $\textbf{Correspondent e-mail:} \hspace{0.2cm} \underline{docket@schroederlawpc.com}, \underline{gschroeder@schroederlawpc.com}$

Associated I	marks
--------------	-------

Associated m	arks			
Mark		Application Status	Serial Number	Registration Number
BALANCE	Re	enewed	76194400	2745850
BALANCE	Re	egistered	85099089	3937988
BALANCE BAF	Re	enewed	<u>75321186</u>	2659753
BALANCE BAF		ection 8 and 15 - Accepted and knowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BAF	Re Re	egistered	<u>85099106</u>	4062171
BALANCE BAF		ection 8 and 15 - Accepted and knowledged	78409022	2999244
BALANCE BAP	RE Re	egistered	77053653	3436917
BALANCE GOL	LD Re	enewed	75854595	2636101
BALANCE PUF	RE Re	egistered	77734900	3760265
BALANCE	Fif	th Extension - Granted	85099094	
BALANCE BAF	R Fif	th Extension - Granted	<u>85099118</u>	
		Prosecution History		
Entry Number	History Text	Date	Due Date	
1	FILED AND FEE	Feb 14, 2012		
2	NOTICE AND TRIAL DATES SENT; ANSWER DUI		Mar 25, 2012	
3	PENDING, INSTITUTED	Feb 14, 2012	,	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 16, 2012		
5	EXTENSION OF TIME GRANTED	Mar 16, 2012		
6	STIPULATION FOR AN EXTENSION OF TIME	May 18, 2012		
7	EXTENSION OF TIME GRANTED	May 18, 2012		
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 21, 2012		
9	EXTENSION OF TIME GRANTED	Jul 21, 2012		
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2012		
11	EXTENSION OF TIME GRANTED	Aug 15, 2012		
12	STIPULATION FOR AN EXTENSION OF TIME	Oct 12, 2012		
13	EXTENSION OF TIME GRANTED	Oct 12, 2012		
14	STIPULATION FOR AN EXTENSION OF TIME	Dec 14, 2012		
15	EXTENSION OF TIME GRANTED	Dec 14, 2012		
16	NOTICE OF DEFAULT	Apr 08, 2013		
17	D MOT TO SET ASIDE DEFAULT/ACCEPT LATE	ANSWER Apr 23, 2013		
18	PROCEEDINGS RESUMED	May 17, 2013		
19	D MOT FOR EXT W/ CONSENT	Jun 10, 2013		
20	EXTENSION OF TIME GRANTED	Jun 27, 2013		
21	P APPEARANCE / POWER OF ATTORNEY	Aug 12, 2013		
22	P MOT FOR EXT W/ CONSENT	Aug 12, 2013		
23	EXTENSION OF TIME GRANTED	Aug 27, 2013		
24	D MOT FOR EXT W/ CONSENT	Nov 11, 2013		
25	TRIAL DATES REMAIN AS SET	Dec 12, 2013		

Dec 17, 2013

27	EXTENSION OF TIME GRANTED	Jan 09, 2014
28	NOTICE OF DEFAULT	Feb 07, 2014
29	BD DECISION: SUSTAINED	Apr 03, 2014
30	TERMINATED	Apr 03, 2014

Type of Proceeding: Opposition

Proceeding Number: 91197149

Status: Terminated

Filing Date: Oct 25, 2010

Status Date: Mar 24, 2011

Interlocutory Attorney: CHERYL A BUTLER

Defendant

Name: Lighterlife UK Limited

Correspondent Address: JEFFREY H GREGER

LOWE HAUPTMAN & BERNER LLP 1700 DIAGONAL RD STE 300 ALEXANDRIA VA, 22314-2866

UNITED STATES

Correspondent e-mail: jhgreger@ipfirm.com

Associated marks

Registration Number **Application Status** Serial Number Mark 78816226 <u>3953476</u> Registered LIGHTER LIFE LIFE IN BALANCE

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: DAVID I GREENBAUM

EDWARDS ANGELL PALMER & DODGE LLP

PO BOX 130 FDR STATION NEW YORK NY , 10150-0130 UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	76194400	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u> 2659753</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u> 2636101</u>
BALANCE	Registered	85099089	3937988

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 25, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 28, 2010	Dec 07, 2010
3	PENDING, INSTITUTED	Oct 28, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Dec 06, 2010	
5	EXTENSION OF TIME GRANTED	Dec 06, 2010	
6	STIPULATION FOR AN EXTENSION OF TIME	Jan 05, 2011	
7	EXTENSION OF TIME GRANTED	Jan 05, 2011	
8	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Feb 04, 2011	·
9	SUSPENDED	Feb 04, 2011	
10	MOTION TO AMEND APPLICATION	Mar 07, 2011	
11	WITHDRAWAL OF OPPOSITION	Mar 07, 2011	
12	BD'S DECISION: DISMISSED W/O PREJUDICE	Mar 24, 2011	
13	TERMINATED	Mar 24, 2011	

Type of Proceeding: Opposition

Proceeding Number: 91196954

Status: Pending

Filing Date: Oct 15, 2010

Status Date: Oct 15, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: DAVID R CROSS

DAVID H CHOSS
QUARLES BRADY LLP
411 EAST WISCONSIN AVENUE, SUITE 2350
MILWAUKEE WI, 53202 4497
UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{\text{marta_levine@quarles.com}} \text{ , } \underline{\text{david.cross@quarles.com}} \text{ , } \underline{\text{tm-dept@quarles.com}} \text{ , } \underline{\text{johanna.willbert@quarles.com}} \text{ , } \underline{\text{andrea.fowler@quarles.com}} \text{ , } \underline{\text{david.cross@quarles.com}} \text{ , } \underline{\text{tm-dept@quarles.com}} \text{ , } \underline{\text{johanna.willbert@quarles.com}} \text{ , } \underline{\text{nonrea.fowler@quarles.com}} \text{ , } \underline{\text{tm-dept@quarles.com}} \text$

s.com

Associated marks

Mark **Application Status** Serial Number Registration Number

SMART BALANCE

Opposition Pending Plaintiff(s)

77864206

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702 **UNITED STATES**

 $\textbf{Correspondent e-mail:} \ \ \underline{docket@schroederlawpc.com} \, , \, \underline{gschroeder@schroederlawpc.com} \, , \, \underline{docket@schroederlawpc.com} \, , \, \underline{docket@schro$

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	76194400	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u> 2636101</u>
BALANCE	Registered	85099089	3937988

45 L	Prosecutio	n History	
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 15, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 15, 2010	Nov 24, 2010
3	PENDING, INSTITUTED	Oct 15, 2010	
4	ANSWER	Nov 24, 2010	
5	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 23, 2010	
6	SUSPENDED	Dec 23, 2010	
7	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jan 12, 2011	
8	D MOT TO CONSOLIDATE	Jan 28, 2011	
9	CONSOLIDATED - PARENT/TRIAL DATES RESET	Feb 07, 2011	
10	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 18, 2011	
11	SUSPENDED	Mar 02, 2011	
12	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 10, 2011	
13	EXTENSION OF TIME GRANTED	Aug 17, 2011	
14	P CHANGE OF CORRESP ADDRESS	Oct 06, 2011	
15	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 31, 2011	
16	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 31, 2011	
17	SUSPENDED	Nov 15, 2011	
18	APPEARANCE	Nov 17, 2011	
19	BOARD'S ORDER	Nov 26, 2011	
20	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 19, 2011	
21	SUSPENDED	Dec 23, 2011	
22	STIPULATED PROTECTIVE ORDER	Jun 14, 2012	
23	STIPULATION NOTED AND APPROVED	Jul 09, 2012	
24	DF'S DISCLOSURE OF EXPERT PHILIP JOHNSON	Jul 19, 2012	
25	P MOT FOR EXT W/ CONSENT	Jul 27, 2012	

26	EXTENSION OF TIME GRANTED	Aug 08, 2012
27	PLAINTIFF'S MOTION	Aug 17, 2012
28	DECLARATION OF NORMAN J. MATAR	Sep 04, 2012
29	DECLARATION OF DAVID R. CROSS	Sep 04, 2012
30	D'S OPPOSITION/RESPONSE TO MOTION	Sep 04, 2012
31	P'S OPPOSITION/RESPONSE TO MOTION	Sep 17, 2012
32	TRIAL DATES RESET	Oct 16, 2012
33	P DISCLOSURE OF EXPERT JACOB JACOBY	Nov 30, 2012
34	D MOT TO COMPEL DISCOVERY	Jan 07, 2013
35	D MOT TO COMPEL DISCOVERY	Jan 07, 2013
36	D'S DECLARATION OF WILBERT SUPPORT COMPEL	Jan 07, 2013
37	D'S EXHIBIT A TO DECL OF WILBERT	Jan 07, 2013
38	D'S EXHIBIT A OF DECL OF WILBERT	Jan 07, 2013
39	D'S EXHIBIT B OF DECL OF WILBERT	Jan 07, 2013
40	D'S EXHIBIT C OF DECL OF WILBERT	Jan 07, 2013
41	D'S EXHIBIT D OF DECL OF WILBERT	Jan 07, 2013
42	D'S EXHIBIT E OF DECL OF WILBERT	Jan 07, 2013
43	D'S EXHIBIT F OF DECL OF WILBERT	Jan 07, 2013
44	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Jan 14, 2013
45	P MOT FOR EXT W/ CONSENT	Jan 28, 2013
46	EXTENSION OF TIME GRANTED	·
47	P MOT FOR EXT W/ CONSENT	Jan 30, 2013
48	EXTENSION OF TIME GRANTED	Feb 08, 2013
49	P MOT FOR EXT W/ CONSENT	Feb 14, 2013
50	EXTENSION OF TIME GRANTED	Feb 21, 2013
51	P OPP/RESP TO MOTION	Feb 26, 2013
52	P DECLARATION OF HECHTEL	Mar 28, 2013
53	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
54	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
	D REPLY IN SUPPORT OF MOTION	Mar 28, 2013
55	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
56		Apr 12, 2013
57	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
58	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
59	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
60	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
61	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
62	PROCEEDINGS RESUMED	Aug 05, 2013
63	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013
64	P MOT FOR EXT W/ CONSENT	Aug 23, 2013
65	EXTENSION OF TIME GRANTED	Aug 29, 2013
66	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
67	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
68	D OPP/RESP TO MOTION	Nov 04, 2013
69	D OPP/RESP TO MOTION	Nov 04, 2013
70	D OPP/RESP TO MOTION	Nov 04, 2013
71	D OPP/RESP TO MOTION	Nov 04, 2013
72	D OPP/RESP TO MOTION	Nov 04, 2013
73	D OPP/RESP TO MOTION	Nov 04, 2013
74	D OPP/RESP TO MOTION	Nov 04, 2013

112	D NOTICE OF RELIANCE	Jul 28, 2014
111	D NOTICE OF RELIANCE	Jul 28, 2014
110	D NOTICE OF RELIANCE	Jul 28, 2014
109	D NOTICE OF RELIANCE	Jul 28, 2014
108	D NOTICE OF RELIANCE	Jul 28, 2014
107	D NOTICE OF RELIANCE	Jul 28, 2014
106	D NOTICE OF RELIANCE	Jul 28, 2014
105	D NOTICE OF RELIANCE	Jul 28, 2014
104	D NOTICE OF RELIANCE	Jul 28, 2014
103	D TESTIMONY	Jul 28, 2014
102	D TESTIMONY	Jul 28, 2014
101	DTESTIMONY	Jul 28, 2014
100	STIP REGARDING TEST EVIDENCE	Jul 28, 2014
99	P NOTICE OF RELIANCE	May 27, 2014
98	P NOTICE OF RELIANCE	May 27, 2014
97	P NOTICE OF RELIANCE	May 27, 2014
96	P NOTICE OF RELIANCE	May 27, 2014
95	P NOTICE OF RELIANCE	May 27, 2014
94	P NOTICE OF RELIANCE	May 27, 2014
93	P NOTICE OF RELIANCE	May 27, 2014
92	PROCEEDINGS RESUMED	Feb 25, 2014
91	P REPLY IN SUPPORT OF MOTION	Nov 25, 2013
90	SUSP PEND DISP OF OUTSTNDNG MOT	Nov 06, 2013
89	D OPP/RESP TO MOTION	Nov 04, 2013
88	D OPP/RESP TO MOTION	Nov 04, 2013
87	D OPP/RESP TO MOTION	Nov 04, 2013
86	D OPP/RESP TO MOTION	Nov 04, 2013
85	D OPP/RESP TO MOTION	Nov 04, 2013
84	D OPP/RESP TO MOTION	Nov 04, 2013
83	D OPP/RESP TO MOTION	Nov 04, 2013
82	D OPP/RESP TO MOTION	Nov 04, 2013
81	D OPP/RESP TO MOTION	Nov 04, 2013
80	D OPP/RESP TO MOTION	Nov 04, 2013
79	D OPP/RESP TO MOTION	Nov 04, 2013
78	D OPP/RESP TO MOTION	Nov 04, 2013
77	D OPP/RESP TO MOTION	Nov 04, 2013
76	D OPP/RESP TO MOTION	Nov 04, 2013
75	D OPP/RESP TO MOTION	Nov 04, 2013

Type of Proceeding: Opposition

Proceeding Number: 91193619

Status: Terminated

Interlocutory Attorney: GEORGE POLOGEORGIS

Filing Date: Feb 01, 2010

Status Date: Aug 13, 2010

Defendant

Name: Tiens Group Co., Ltd.

Correspondent Address: MICHAEL MAOZ
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 AVENUE OF THE AMERICAS
NEW YORK NY, 10036-2714
UNITED STATES

Associated marks

Application Status

Serial Number Registration Number

VITAL BALANCE

Abandoned - After Inter-Partes Decision

77572513

Plaintiff(s)

Name: BALANCE BAR COMPANY

Correspondent Address: DAVID I GREENBAUM

EDWARDS ANGELL PALMER & DODGE LLP

FDR STATION , PO BOX 130 NEW YORK NY , 10150 UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	2745850
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	75854595	2636101

	Prose	ecution History	200101
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 01, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 01, 2010	Mar 13, 2010
3	PENDING, INSTITUTED	Feb 01, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 12, 2010	
5	EXTENSION OF TIME GRANTED	Mar 15, 2010	
6	STIPULATION FOR AN EXTENSION OF TIME	Apr 12, 2010	
7	EXTENSION OF TIME GRANTED	Apr 12, 2010	
8	STIPULATION FOR AN EXTENSION OF TIME	May 12, 2010	
9	EXTENSION OF TIME GRANTED	May 12, 2010	
10	STIPULATION FOR AN EXTENSION OF TIME	Jun 11, 2010	
11	EXTENSION OF TIME GRANTED	Jun 11, 2010	
12	STIPULATION FOR AN EXTENSION OF TIME	Jul 09, 2010	
13	EXTENSION OF TIME GRANTED	Jul 09, 2010	
14	WITHDRAWAL OF APPLICATION	Aug 09, 2010	
15	WITHDRAWAL OF OPPOSITION	Aug 09, 2010	
16	BD'S DECISION: DISMISSED W/O PREJUDICE	Aug 13, 2010	
17	TERMINATED	Aug 13, 2010	
	Type of Proc	anding, Opposition	

Type of Proceeding: Opposition

Proceeding Number: 91193620

Filing Date: Feb 01, 2010

Status: Terminated

Status Date: Aug 13, 2010

Interiocutory Attorney: ANN LINNEHAN

Defendant

Name: Tiens Group Co., Ltd.

Correspondent Address: MICHAEL MAOZ

KRAMER LEVIN NAFTALIS & FRANKEL LLP 1177 AVENUE OF THE AMERICAS

NEW YORK NY , 10036-2714

UNITED STATES

 $\textbf{Correspondent e-mail:} \ \ \underline{\textbf{kltrademark@kramerlevin.com}} \ , \underline{\textbf{mmaoz@kramerlevin.com}} \ , \underline{\textbf{mmaoz@kramerlevin.com}} \ .$

Associated marks

Mark Application Status Serial Registration Number Number

VITAL BALANCE Abandoned - After Inter-Partes Decision 77572505

Plaintiff(s)

Name: BALANCE BAR COMPANY

Correspondent Address: David I. Greenbaum

Edwards Angell Palmer & Dodge LLP

FDR StationP.O. Box 130 New York NY, 10150 UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	2745850
BALANCE BAR	Renewed	<u>75321186</u>	2659753
BALANCE GOLD	Renewed	<u>75854595</u>	2636101
Prosecution	History		

Entry Number	Prose History Text	Date	Due Date
1	FILED AND FEE	Feb 01, 2010	makemin cannot be written as a second of the
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 01, 2010	Mar 13, 2010
3	PENDING, INSTITUTED	Feb 01, 2010	•
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 12, 2010	
5	EXTENSION OF TIME GRANTED	Mar 15, 2010	
6	STIPULATION FOR AN EXTENSION OF TIME	Apr 12, 2010	
7	EXTENSION OF TIME GRANTED	Apr 12, 2010	
8	STIPULATION FOR AN EXTENSION OF TIME	May 12, 2010	
9	EXTENSION OF TIME GRANTED	May 12, 2010	
10	STIPULATION FOR AN EXTENSION OF TIME	Jun 11, 2010	
11	EXTENSION OF TIME GRANTED	Jun 11, 2010	
12	STIPULATION FOR AN EXTENSION OF TIME	Jul 09, 2010	
13	EXTENSION OF TIME GRANTED	Jul 09, 2010	
14	WITHDRAWAL OF APPLICATION	Aug 09, 2010	
15	WITHDRAWAL OF OPPOSITION	Aug 09, 2010	
16	BD'S DECISION: DISMISSED W/O PREJUDICE	Aug 13, 2010	
17	TERMINATED	Aug 13, 2010	

Type of Proceeding: Opposition

Proceeding Number: 91192572

Status: Terminated

Interlocutory Attorney: ELIZABETH A DUNN

Filing Date: Nov 06, 2009

Status Date: Jun 23, 2010

Defendant

Name: Mind Mine

Correspondent Address: ERIC M. NIELSEN

SNELL & WILMER L.L.P. ONE ARIZONA CENTER PHOENIX AZ, 85004-2202 UNITED STATES

Correspondent e-mail: enielsen@swlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THYRO-BALANCE	Registered	77697640	<u>3823699</u>

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: DAVID I. GREENBAUM

EDWARDS ANGELL PALMER & DODGE LLP

750 LEXINGTON AVENUE NEW YORK NY, 10022 **UNITED STATES**

Correspondent e-mail: DGreenbaum@eapdlaw.com, rfraley@swlaw.com

Associated marks

Registration Mark **Application Status** Serial Number Number

BALANCE

DAL ANOE					
BALANCE	_		Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR			Renewed	75321186	<u>2659753</u>
BALANCE GOI	LD		Renewed	<u>75854595</u>	<u>2636101</u>
F-4			Prosecution History		
Entry Number	Histor	ry ⊺ext	Date	Due Da	te
1	FILED AN	ND FEE	Nov 06, 2009		
2	NOTICE A	AND TRIAL DATES SENT; ANSWER I		Dec 16,	2009
3	PENDING	G, INSTITUTED	Nov 06, 2009	255 . 4,	
4	CHANGE	OF CORRESPONDENCE ADDRESS			
5	STIPULA	TION FOR AN EXTENSION OF TIME	Dec 15, 2009		
6	EXTENSI	ON OF TIME GRANTED	Dec 15, 2009		
7	STIPULA	TION FOR AN EXTENSION OF TIME	Feb 12, 2010		
8	EXTENSI	ON OF TIME GRANTED	Feb 12, 2010		
9	STIPULA	TION TO REOPEN DISCOVERY	Mar 19, 2010		
10	EXTENSI	ON OF TIME GRANTED	Mar 25, 2010		
11	STIPULA	TION FOR AN EXTENSION OF TIME	Apr 15, 2010		
12	EXTENS	ON OF TIME GRANTED	Apr 15, 2010		
13	MOTION	TO AMEND APPLICATION	May 11, 2010		
14	RESPON:	SE DUE 30 DAYS (DUE DATE)	Jun 08, 2010	Jul 08, 2	010
15	WITHDRA	AWAL OF OPPOSITION	Jun 14, 2010	- · · · - , -	
16	BD'S DEC	DISION: DISMISSED W/O PREJUDICE			
17	TERMINA	TED	Jun 23, 2010		
		Тур	e of Proceeding: Opposition		
Proceedi	ing Number:		Filing Date: A	lug 11, 2009	
		Terminated	Status Date: F	Feb 17, 2010	
Interlocuto	ry Attorney:	MARY CATHERINE FAINT	ar and a second		
	Name	DSM IP Assets B.V.	Defendant		
Corresponde		Duane M. Byers			
·		Nixon & Vanderhye P.C. 901 North Glebe Road, Suite 1100 Arlington VA , 22203 UNITED STATES			
Correspon	dent e-mail:	nixonptomail@nixonvan.com, dmb@	nixonvan.com		
Associated ma	irks				
Mark			Application Status	Seria Numi	
PEP2BALANCE			R CANCELLED; US APPLICATIO ABANDONED	N <u>79053</u>	<u>062</u>
		Deleges Bas Occurrent	Plaintiff(s)		
Carresponds		Balance Bar Company			
Corresponde	an Address:	David I. Greenbaum Edwards Angell Palmer & Dodge LLP FDR StationP.O. Box 130 New York NY, 10150 UNITED STATES			
Correspon	dent e-mail:	trademark@eapdlaw.com			
Associated ma	rks				
Mark			Application Status	Seria Numl	
BALANCE			Renewed	76194	
BALANCE BAR		F	Renewed	75321	
BALANCE BAR			Section 8 and 15 - Accepted and Acknowledged	<u>78416</u>	
BALANCE BARI	E		Registered	77053	<u>3436917</u>

BALANCE GO	LD	Rer	newed		7585	4595	2636101
		집에 하는 회의 중에 근환되는	Prosecution His	story			
Entry Number	Histor	y Text		Date	Due D	ate	
1	FILED AN	ID FEE	Au	ıg 11, 2009			
2	NOTICE /	IOTICE AND TRIAL DATES SENT; ANSWER DUE: Aug 13, 2009				2, 2009	
3	PENDING	G, INSTITUTED	,	,			
4	STIPULA	TION FOR AN EXTENSION OF TIME		ig 13, 2009 p 11, 2009			
5	EXTENSI	ON OF TIME GRANTED		p 11, 2009			
6	STIPULA	TION FOR AN EXTENSION OF TIME		t 15, 2009			
7	EXTENS	ON OF TIME GRANTED		t 15, 2009			
8	CHANGE	OF CORRESPONDENCE ADDRESS		c 03, 2009			
9	NOTICE (OF DEFAULT		c 24, 2009			
10	BOARD'S	DECISION: SUSTAINED		b 17, 2010			
11	TERMINA	TED		b 17, 2010			
		Type of	Proceeding:				
Proceed	ling Number:	91188830		Filing Date: F	eb 12, 2009		
		Terminated		Status Date: N	lov 06, 2009		
Interiocut	ory Attorney:	ANDREW P BAXLEY					
	Nama-	Corporacion Industrial Alimenticia, S.A. de	Defendant		the second		
Correspond	ent Address;	JEFFREY A. SMITH MILLEN, WHITE, ZELANO & BRANIGAN 2200 CLARENDON BLVD STE 1400 ARLINGTON VA , 22201-3360 UNITED STATES	, P.C.				
Correspoi	ndent e-mail:	Culver@mwzb.com					
Associated m	arks						
Mark				Application Status	Serial Number		egistration umber
BALANCE BIO	3			Registered	77268767	426	8437
			Plaintiff(s)				
		BALANCE BAR COMPANY					
Corresponde	ent Address:	TMSU Morgan Lewis & Bockius LLP 1111 Pennsylvania Avenue NW Washington DC, 20004 UNITED STATES					
Correspor	ndent e-mail:	trademarks@morganlewis.com, kbutcher	@morganlewis.co	m, kaltoff@morganlewi	s.com		
Associated ma	arks						
Mark		Ap	plication Status		Seri Nun	ial nber	Registration Number
BALANCE Renew		ewed	ved		4400	2745850	
BALANCE BAR	I		tion 8 and 15 nowledged	- Accepted and	78416	<u>3165</u>	3036771
BALANCE BAR	ΙE	Reg	istered		<u>77053</u>	3653	3436917
BALANCE GOL	.D	Ren	ewed				<u>2636101</u>
			Prosecution His	tory			
Entry Number	History	Text	Ε	ate	Due Da	ate	
	FILED ANI) FEE	Fel	12, 2009			
· <u>2</u>		ND TRIAL DATES SENT; ANSWER DUE:		12, 2009	Mar 24,	2000	
- 3		INSTITUTED		12, 2009	iviai 24,	2003	
1	ANSWER			r 24, 2009			
5		O CONSOLIDATE		r 24, 2009 r 24, 2009			
5		DATION GRANTED		r 25, 2009			
			ivia	20, 2009			

May 27, 2009

7

APPEARANCE

	Type of Proce	eding: Opposition		·······
16	TERMINATED	Nov 06, 2009		
15	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 06, 2009		
14	WITHDRAWAL OF OPPOSITION	Nov 06, 2009		
13	RESPONSE DUE 30 DAYS (DUE DATE)	Nov 06, 2009	Dec 06, 2009	
12	MOTION TO AMEND APPLICATION	Oct 30, 2009		
11	SUSPENDED	Aug 10, 2009		
10	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Aug 10, 2009		
9	SUSPENDED	Jun 04, 2009		
8	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Jun 04, 2009		

Proceeding Number: 91188832

Status: Terminated

Filing Date: Feb 12, 2009

Status Date: Apr 20, 2009

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: PHARMAVITE LLC

Correspondent Address: STANLEY W. SOKOLOFF

BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD 7TH FLOOR

LOS ANGELES CA, 90025-1040

UNITED STATES

 $\textbf{Correspondent e-mail:} \ \underline{\text{tm_fillings@bstz.com}} \ , \underline{\text{daniel_russell@bstz.com}} \ , \underline{\text{daniel_russell@bstz.com}} \ .$

Associated marks

Serial Registration Mark **Application Status** Number Number **EQUOL BALANCE** Abandoned - No Statement Of Use Filed 77540338 Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: Susan H. Frohling BALANCE BAR COMPANY

Three Lakes Drive Northfield IL, 60093 **UNITED STATES**

Correspondent e-mail: sfrohling@Kraft.com

Associated marks

Mark		Application Status	Serial Number	Registration Number
BALANCE	F	Renewed	76194400	<u>2745850</u>
BALANCE BAF	1	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	3036771
BALANCE BAR	RE F	Registered	77053653	3436917
BALANCE GO	LD F	Renewed	75854595	2636101
		Prosecution History		
Entry Number	History Text	Date	Due Date	
1	FILED AND FEE	Feb 12, 2009		
2	NOTICE AND TRIAL DATES SENT; ANSWER D	UE: Feb 12, 2009	Mar 24, 2009	
3	PENDING, INSTITUTED	Feb 12, 2009	·	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 17, 2009		
5	EXTENSION OF TIME GRANTED	Mar 17, 2009		
6	MOTION TO AMEND APPLICATION	Apr 13, 2009		
7	RESPONSE DUE 30 DAYS (DUE DATE)	Apr 15, 2009	May 15, 2009	
8	WITHDRAWAL OF OPPOSITION	Apr 17, 2009	• ,	
9	BD'S DECISION: DISMISSED W/ PREJUDICE	Apr 20, 2009		
10	TERMINATED	Apr 20, 2009		
	Туре	of Proceeding: Opposition		

Proceeding Number: 91188840

Filing Date: Feb 12, 2009

Status: Terminated

Status Date: Nov 06, 2009

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Corporacion Industrial Alimenticia, S.A. de C.V.

Correspondent Address: JEFFREY A. SMITH
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD, STE 1400
ARLINGTON VA, 22201-3360

UNITED STATES

Associated marks

Mark Registration **Application Status** Serial Number Number BALANCE BIO 3 REDUCE Registered 77268774 4268438

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: SUSAN H. FROHLING

BALANCE BAR COMPANY THREE LAKES DRIVE NORTHFIELD IL, 60093 UNITED STATES

Correspondent e-mail: trademark@kraft.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	2745850
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	78416165	3036771
BALANCE BARE	Registered	77053653	3436917
BALANCE GOLD	Renewed	75854595	2636101

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 13, 2009	Mar 25, 2009
3	PENDING, INSTITUTED	Feb 13, 2009	
4	ANSWER	Mar 24, 2009	
5	MOTION TO CONSOLIDATE	Mar 24, 2009	
6	CONSOLIDATION GRANTED	Mar 25, 2009	
7	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 06, 2009	
8	TERMINATED	Nov 06, 2009	

EXHIBIT A2

Generated on: This page was generated by TSDR on 2014-08-18 20:38:53 EDT

Mark: BALANCE BAR

US Serial Number: 75321186

Application Filing Date: Jul. 08, 1997

US Registration Number: 2659753

Registration Date: Dec. 10, 2002

Register: Principal Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Sep. 11, 2012

Publication Date: May 23, 2000

Notice of Allowance Date: Jan. 16, 2001

Mark Information

Mark Literal Elements: BALANCE BAR

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "BAR"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

Brackets [..] indicate deleted goods/services;

Double parenthesis ((..)) identity any goods/services not claimed in a Section 15 affidavit of incontestability; and
 Asterisks *..* identify additional (new) wording in the goods/services.

For: nutritional food supplements

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Amended Use: No

Amended ITU: No

Amended 44D: No

Amended 44E: No

Class Status: ACTIVE Basis: 1(a)

First Use: Jul. 30, 1999

Use in Commerce: Jul. 30, 1999

Basis Information (Case Level)

Filed Use: No Currently Use: Yes Filed ITU: Yes Currently ITU: No Filed 44D: No Currently 44D: No Filed 44E: No Currently 44E: No Filed 66A: No Currently 66A: No Filed No Basis: No Currently No Basis: No

Current Owner(s) Information

Owner Name: BALANCE BAR COMPANY

Owner Address: Suite 202

115 E. Stevens Avenue Valhalia, NEW YORK 10595

UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Attorney/Correspondence Information

Attorney Name: Lee Grosskreuz Hechtel

Attorney Primary Email lhechtel@ribty.com
Address:

Attorney Email Yes Authorized:

Correspondent

Correspondent Lee Grosskreuz Hechtel Name/Address: NBTY, Inc. 2100 Smithtown Avenue

Legal Dept. Ronkonkoma, NEW YORK 11779 UNITED STATES

Phone: 6312187335

Fax: 6312187341

Correspondent e-mail: lhechtel@nbty.com speysekhman@nbty.com

Correspondent e-mail Yes Authorized:

Domestic Representative - Not Found

Prosecution History

	r i osecutori itistoi y	
Date	Description	Proceeding Number
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 11, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 11, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68973
Sep. 11, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68973
Sep. 10, 2012	TEAS SECTION 8 & 9 RECEIVED	
Sep. 10, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 14, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 14, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 07, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
Jun. 03, 2008	ASSIGNED TO PARALEGAL	68973
May 21, 2008	TEAS SECTION 8 & 15 RECEIVED	
Feb. 29, 2008	CASE FILE IN TICRS	
Dec. 10, 2002	REGISTERED-PRINCIPAL REGISTER	
Oct. 03, 2002	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 07, 2001	STATEMENT OF USE PROCESSING COMPLETE	
Aug. 07, 2001	USE AMENDMENT FILED	
Jul. 20, 2001	EXTENSION 1 GRANTED	
Jul. 16, 2001	EXTENSION 1 FILED	
Aug. 26, 2002	PETITION TO REVIVE-GRANTED	
Jun. 10, 2002	COMMUNICATION RECEIVED FROM PETITIONER	
May 20, 2002	INCOMPLETE PETITION NOTICE MAILED	
Aug. 07, 2001	PETITION TO REVIVE-RECEIVED	
Feb. 05, 2002	ABANDONMENT - NO USE STATEMENT FILED	
Jan. 16, 2001	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 13, 2000	EXTENSION OF TIME TO OPPOSE RECEIVED	
May 23, 2000	PUBLISHED FOR OPPOSITION	
Apr. 21, 2000	NOTICE OF PUBLICATION	
Feb. 08, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 04, 1998	LETTER OF SUSPENSION MAILED	
Jul. 15, 1998	CORRESPONDENCE RECEIVED IN LAW OFFICE	

Apr. 02, 1998	NON-FINAL ACTION MAILED	
Mar. 25, 1998	ASSIGNED TO EXAMINER	65999
Feb. 21, 1998	ASSIGNED TO EXAMINER	72503
Feb. 11, 1998	ASSIGNED TO EXAMINER	72506
Feb. 06, 1998	ASSIGNED TO EXAMINER	65999

Maintenance Filings or Post Registration Information

Affidavit of Continued Section 8 - Accepted

Use:

Affidavit of Section 15 - Accepted

Incontestability:

Renewal Date: Dec. 10, 2012

TM Staff and Location Information

TM Staff Information - None **File Location**

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 11, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 5

Registrant: BALANCE BAR COMPANY

Assignment 1 of 5

Conveyance: CHANGE OF NAME

Reel/Frame: 2228/0348

Pages: 3

Date Recorded: Jan. 17, 2001

Supporting Documents: assignment-tm-2228-0348.pdf

Assignor

Name: BIO-ENGINEERED FOODS, INC.

Execution Date: Oct. 17, 2000

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: THREE LAKES DRIVE

NORTHFIELD, ILLINOIS 60093

Correspondent

Correspondent Name: KRAFT FOODS HOLDINGS, INC.

Correspondent Address: SUSAN H. FROHLING

THREE LAKES DRIVE NORTHFIELD, IL 60093

Domestic Representative - Not Found

Assignment 2 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: 4414/0199

Pages: 25

Date Recorded: Nov. 15, 2010

Supporting Documents: assignment-tm-4414-0199.pdf

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assignee

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where DELAWARE Organized:

Address: 452 FIFTH AVENUE

14TH FLOOR

NEW YORK, NEW YORK 10018

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500

MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found Assignment 3 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: 4423/0858

Pages: 26

Date Recorded: Dec. 02, 2010

Supporting Documents: assignment-tm-4423-0858.pdf

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assignee

Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where UNITED STATES

Organized:

Address: 281 TRESSER BOULEVARD

4TH FLOOR

STAMFORD, CONNECTICUT 06901

Correspondent

Correspondent Name: JACQUELINE P. SCHEIB

Correspondent Address: 280 TRUMBULL STREET **ROBINSON & COLE LLP**

HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 4 of 5

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456

Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: assignment-tm-4902-0456.pdf

Assignor

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Execution Date: Nov. 14, 2012

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where DELAWARE

Organized:

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 115 E. STEVENS AVENUE

SUITE 202

VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500

MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 5 of 5

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Pages: 5

Date Recorded: Nov. 26, 2012

Supporting Documents: assignment-tm-4906-0668.pdf

Assignor

Name: WEBSTER BANK, NATIONAL ASSOCIATION

Execution Date: Nov. 26, 2012

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where DELAWARE

Organized:

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE Organized:

Address: SUITE 202

115 E. STEVENS AVENUE VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: 1633 BROADWAY

NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 8

Type of Proceeding: Opposition

Proceeding Number: 91203829

Filing Date: Feb 14, 2012

Status: Terminated

Status Date: Apr 03, 2014

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Doctor pHresh Nutritionals, L.L.C.

Correspondent Address: FARLEY I WEISS AND MARK H WEISS WEISS MOY PC
4204 N BROWN AVE
SCOTTSDALE AZ , 85251 3914

UNITED STATES

 $\textbf{Correspondent e-mail:} \ \underline{kmotolenich@weissiplaw.com,gmarinefli@weissiplaw.com,fweiss@weissiplaw.com}$

Associated marks

Serial Registration Mark **Application Status** Number Number

PHRESH BALANCE Abandoned - After Inter-Partes Decision 85175388

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER

SCHROEDER LAW PC 110 COOPER ST 605 BABYLON NY, 11702 UNITED STATES

NOTICE AND TRIAL DATES SENT: ANSWER DUE:

 $\textbf{Correspondent e-mail:} \ \ \underline{ docket@schroederlawpc.com, gschroeder@schroederlawpc.com} \\$

Associated marks

2

Mark		Application Status	Serial Number	Registration Number
BALANCE		Renewed	<u>76194400</u>	2745850
BALANCE		Registered	85099089	3937988
BALANCE BAR		Renewed	<u>75321186</u>	2659753
BALANCE BAR		Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	3036771
BALANCE BAR		Registered	<u>85099106</u>	<u>4062171</u>
BALANCE BAR	GOLD	Section 8 and 15 - Accepted and Acknowledged	78409022	2999244
BALANCE BAR	E	Registered	77053653	<u>3436917</u>
BALANCE GOL	D	Renewed	<u>75854595</u>	<u> 2636101</u>
BALANCE PUR	E	Registered	77734900	<u>3760265</u>
BALANCE		Fifth Extension - Granted	85099094	
BALANCE BAR		Fifth Extension - Granted	<u>85099118</u>	
		Prosecution History		
Entry Number	History Text	Date	Due Date	
1	FILED AND FEE	Feb 14, 2012		

Feb 14, 2012

Mar 25, 2012

-		•
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 16, 2012
5	EXTENSION OF TIME GRANTED	Mar 16, 2012
6	STIPULATION FOR AN EXTENSION OF TIME	May 18, 2012
7	EXTENSION OF TIME GRANTED	May 18, 2012
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 21, 2012
9	EXTENSION OF TIME GRANTED	Jul 21, 2012
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2012
11	EXTENSION OF TIME GRANTED	Aug 15, 2012
12	STIPULATION FOR AN EXTENSION OF TIME	Oct 12, 2012
13	EXTENSION OF TIME GRANTED	Oct 12, 2012
14	STIPULATION FOR AN EXTENSION OF TIME	Dec 14, 2012
15	EXTENSION OF TIME GRANTED	Dec 14, 2012
16	NOTICE OF DEFAULT	Apr 08, 2013
17	D MOT TO SET ASIDE DEFAULT/ACCEPT LATE ANSWER	Apr 23, 2013
18	PROCEEDINGS RESUMED	May 17, 2013
19	D MOT FOR EXT W/ CONSENT	Jun 10, 2013
20	EXTENSION OF TIME GRANTED	Jun 27, 2013
21	P APPEARANCE / POWER OF ATTORNEY	Aug 12, 2013
22	P MOT FOR EXT W/ CONSENT	Aug 12, 2013
23	EXTENSION OF TIME GRANTED	Aug 27, 2013
24	D MOT FOR EXT W/ CONSENT	Nov 11, 2013
25	TRIAL DATES REMAIN AS SET	Dec 12, 2013
26	P RESP TO BD ORDER/INQUIRY	Dec 17, 2013
27	EXTENSION OF TIME GRANTED	Jan 09, 2014
28	NOTICE OF DEFAULT	Feb 07, 2014
29	BD DECISION: SUSTAINED	Apr 03, 2014
30	TERMINATED	Apr 03, 2014
	Type of Proceed	ing: Opposition

Type of Proceeding: Opposition

Feb 14, 2012

Proceeding Number: 91197149

Status: Terminated

PENDING, INSTITUTED

3

Filing Date: Oct 25, 2010

Status Date: Mar 24, 2011

Interlocutory Attorney: CHERYL A BUTLER

Defendant

Name: Lighterlife UK Limited

Correspondent Address: JEFFREY H GREGER

LOWE HAUPTMAN & BERNER LLP 1700 DIAGONAL RD STE 300 ALEXANDRIA VA, 22314-2866

UNITED STATES

Correspondent e-mail: jhgreger@ipfirm.com

Associated marks

Registration Mark **Application Status** Serial Number Number LIGHTER LIFE IN BALANCE Registered 78816226 3953476

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: DAVID I GREENBAUM

EDWARDS ANGELL PALMER & DODGE LLP

PO BOX 130 FDR STATION NEW YORK NY, 10150-0130

UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Registration Mark **Application Status** Serial Number Number

BALANCE		Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR		Renewed	75321186	<u>2659753</u>
BALANCE GOLI	D	Renewed	75854595	<u>2636101</u>
BALANCE		Registered	85099089	3937988
		Prosecution History		
Entry Number	History Text	Date	Due I	Date
	FILED AND FEE	Oct 25, 2010		
2	NOTICE AND TRIAL DATES SENT; ANSWER		Dec 07	2010
- 3	PENDING, INSTITUTED	Oct 28, 2010	2000.	, 2010
4	STIPULATION FOR AN EXTENSION OF TIM			
5	EXTENSION OF TIME GRANTED	Dec 06, 2010		
3	STIPULATION FOR AN EXTENSION OF TIM			
7	EXTENSION OF TIME GRANTED	Jan 05, 2011		
3	STIP TO SUSPEND PEND SETTLEMENT NE			
)	SUSPENDED	Feb 04, 2011		
10	MOTION TO AMEND APPLICATION	Mar 07, 2011		
11	WITHDRAWAL OF OPPOSITION	Mar 07, 2011		
12	BD'S DECISION: DISMISSED W/O PREJUDIO			
13	TERMINATED	Mar 24, 2011		
		/pe of Proceeding: Opposition		
			······································	······································
Proceedi	ng Number: <u>91196954</u>	Filing Date	: Oct 15, 2010	
Interlocutor	ng Number: 91196954 Status: Pending ry Attorney: CHERYL S GOODMAN Name: GFA Brands, Inc.		:: Oct 15, 2010 :: Oct 15, 2010	
Interlocutor	ng Number: 91196954 Status: Pending ry Attorney: CHERYL S GOODMAN	Status Date Defendant		
Interlocutor	ng Number: 91196954 Status: Pending ry Attorney: CHERYL S GOODMAN Name: GFA Brands, Inc. Int Address: DAVID R CROSS QUARLES BRADY LLP 411 EAST WISCONSIN AVENUE, MILWAUKEE WI, 53202 4497 UNITED STATES	Defendant SUITE 2350	: Oct 15, 2010	s.com_andrea.fowler@cuaia
Interlocutor Corresponde	ng Number: 91196954 Status: Pending ry Attorney: CHERYL S GOODMAN Name: GFA Brands, Inc. int Address: DAVID R CROSS QUARLES BRADY LLP 411 EAST WISCONSIN AVENUE, MILWAUKEE WI, 53202 4497 UNITED STATES dent e-mail: marta.levine@quarles.com, david. s.com	Defendant SUITE 2350	: Oct 15, 2010	s.com , andrea.fowler@quar
Interlocutor Corresponde	ng Number: 91196954 Status: Pending ry Attorney: CHERYL S GOODMAN Name: GFA Brands, Inc. int Address: DAVID R CROSS QUARLES BRADY LLP 411 EAST WISCONSIN AVENUE, MILWAUKEE WI, 53202 4497 UNITED STATES dent e-mail: marta.levine@quarles.com, david. s.com	Defendant SUITE 2350	: Oct 15, 2010 , johanna wilbert@quarles	
Interlocutor Corresponde	ng Number: 91196954 Status: Pending ry Attorney: CHERYL S GOODMAN Name: GFA Brands, Inc. int Address: DAVID R CROSS QUARLES BRADY LLP 411 EAST WISCONSIN AVENUE, MILWAUKEE WI, 53202 4497 UNITED STATES dent e-mail: marta.levine@quarles.com, david. s.com	Defendant SUITE 2350	: Oct 15, 2010 , johanna.wilbert⊛quarles	
Interlocutor Corresponde Correspond Associated ma	ng Number: 91196954 Status: Pending ry Attorney: CHERYL S GOODMAN Name: GFA Brands, Inc. Int Address: DAVID R CROSS QUARLES BRADY LLP 411 EAST WISCONSIN AVENUE, MILWAUKEE WI, 53202 4497 UNITED STATES dent e-mail: marta.levine@quarles.com, david. s.com	Status Date Defendant SUITE 2350 cross@quarles.com , tm-dept@quarles.com	: Oct 15, 2010 , johanna wilbert⊛quaries Se Nu	rial Registratio
Interlocutor Corresponde Correspond Associated ma	ng Number: 91196954 Status: Pending ry Attorney: CHERYL S GOODMAN Name: GFA Brands, Inc. Int Address: DAVID R CROSS QUARLES BRADY LLP 411 EAST WISCONSIN AVENUE, MILWAUKEE WI, 53202 4497 UNITED STATES dent e-mail: marta.levine@quarles.com, david. s.com	Defendant SUITE 2350 cross@quarles.com , tm-dept@quarles.com Application Status	: Oct 15, 2010 , johanna wilbert⊛quaries Se Nu	rial Registratio mber Number
Interlocutor Corresponde Correspond Associated ma	ng Number: 91196954 Status: Pending ry Attorney: CHERYL S GOODMAN Name: GFA Brands, Inc. Int Address: DAVID R CROSS QUARLES BRADY LLP 411 EAST WISCONSIN AVENUE, MILWAUKEE WI, 53202 4497 UNITED STATES dent e-mail: marta.levine@quarles.com, david. s.com	Defendant SUITE 2350 cross@quarles.com , tm-dept@quarles.com Application Status Opposition Pending	: Oct 15, 2010 , johanna wilbert⊛quaries Se Nu	rial Registratio mber Number
Interlocutor Corresponde Correspond Associated ma Mark EMART BALANG	ng Number: 91196954 Status: Pending ry Attorney: CHERYL S GOODMAN Name: GFA Brands, Inc. Int Address: DAVID R CROSS QUARLES BRADY LLP 411 EAST WISCONSIN AVENUE, MILWAUKEE WI, 53202 4497 UNITED STATES dent e-mail: marta.levine@quarles.com, david. s.com	Defendant SUITE 2350 cross@quarles.com , tm-dept@quarles.com Application Status Opposition Pending	: Oct 15, 2010 , johanna wilbert⊛quaries Se Nu	rial Registratio mber Number
Interlocutor Corresponde Correspond Associated ma Mark SMART BALANG	ng Number: 91196954 Status: Pending ry Attorney: CHERYL S GOODMAN Name: GFA Brands, Inc. Int Address: DAVID R CROSS QUARLES BRADY LLP 411 EAST WISCONSIN AVENUE, MILWAUKEE WI, 53202 4497 UNITED STATES dent e-mail: marta.levine@quarles.com, david. s.com rks CE Name: Balance Bar Company Int Address: R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702	Defendant SUITE 2350 cross@quarles.com, tm-dept@quarles.com Application Status Opposition Pending Plaintiff(s)	: Oct 15, 2010 , johanna wilbert⊛quaries Se Nu	rial Registratio mber Number
Interlocutor Corresponde Correspond Associated ma Mark SMART BALANG Corresponde	ng Number: 91196954 Status: Pending ry Attorney: CHERYL S GOODMAN Name: GFA Brands, Inc. Int Address: DAVID R CROSS QUARLES BRADY LLP 411 EAST WISCONSIN AVENUE, MILWAUKEE WI, 53202 4497 UNITED STATES dent e-mail: marta.levine@quarles.com, david. s.com rks CE Name: Balance Bar Company Int Address: R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702 UNITED STATES dent e-mail: docket@schroederlawpc.com, gsodene	Defendant SUITE 2350 cross@quarles.com, tm-dept@quarles.com Application Status Opposition Pending Plaintiff(s)	: Oct 15, 2010 , johanna wilbert⊛quaries Se Nu	rial Registratio mber Number
Interlocutor Corresponde Correspond Associated ma Mark SMART BALANG Corresponde	ng Number: 91196954 Status: Pending ry Attorney: CHERYL S GOODMAN Name: GFA Brands, Inc. Int Address: DAVID R CROSS QUARLES BRADY LLP 411 EAST WISCONSIN AVENUE, MILWAUKEE WI, 53202 4497 UNITED STATES dent e-mail: marta.levine@quarles.com, david. s.com rks CE Name: Balance Bar Company Int Address: R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702 UNITED STATES dent e-mail: docket@schroederlawpc.com, gsodene	Defendant SUITE 2350 cross@quarles.com, tm-dept@quarles.com Application Status Opposition Pending Plaintiff(s)	: Oct 15, 2010 , johanna wilbert@quarles Se Nu 778€	rial Registration mber Number 64206 Registration
Interlocutor Corresponde Corresponde Mark MART BALANG Corresponde Corresponde Associated ma	ng Number: 91196954 Status: Pending ry Attorney: CHERYL S GOODMAN Name: GFA Brands, Inc. Int Address: DAVID R CROSS QUARLES BRADY LLP 411 EAST WISCONSIN AVENUE, MILWAUKEE WI, 53202 4497 UNITED STATES dent e-mail: marta.levine@quarles.com, david. s.com rks CE Name: Balance Bar Company Int Address: R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702 UNITED STATES dent e-mail: docket@schroederlawpc.com, gsodene	Defendant SUITE 2350 cross@quarles.com , tm-dept@quarles.com Application Status Opposition Pending Plaintiff(s)	: Oct 15, 2010 , johanna wilbert@quarles Se Nu 7786	rial Registration 84206 Registration Number
Interlocutor Corresponde Corresponde Mark MART BALANG Corresponde Corresponde Associated ma Mark Mark MARAMART BALANG	ng Number: 91196954 Status: Pending ry Attorney: CHERYL S GOODMAN Name: GFA Brands, Inc. Int Address: DAVID R CROSS QUARLES BRADY LLP 411 EAST WISCONSIN AVENUE, MILWAUKEE WI, 53202 4497 UNITED STATES dent e-mail: marta.levine@quarles.com, david. s.com rks CE Name: Balance Bar Company Int Address: R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702 UNITED STATES dent e-mail: docket@schroederlawpc.com, gsodene	Defendant SUITE 2350 cross@quarles.com , tm-dept@quarles.com Application Status Opposition Pending Plaintiff(s) chroeder@schroederlawpc.com Application Status Renewed	i: Oct 15, 2010 iii johanna wilbert@quarles Se Nu 7786	rial Registration Number Registration Number 2745850
Interlocutor Corresponde Corresponde Mark SMART BALANG Corresponde Corresponde Associated ma Mark BALANGE BALANGE BALANGE BALANGE	ng Number: 91196954 Status: Pending ry Attorney: CHERYL S GOODMAN Name: GFA Brands, Inc. Int Address: DAVID R CROSS QUARLES BRADY LLP 411 EAST WISCONSIN AVENUE, MILWAUKEE WI, 53202 4497 UNITED STATES dent e-mail: marta.levine@quarles.com, david. s.com rks CE Name: Balance Bar Company Int Address: R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702 UNITED STATES dent e-mail: docket@schroederlawpc.com, gscorks	Defendant SUITE 2350 cross@quarles.com , tm-dept@quarles.com Application Status Opposition Pending Plaintiff(s) throeder@schroederlawpc.com Application Sta	i: Oct 15, 2010 Se Nu 7786 Serial Number 76194400 75321186	rial Registration 84206 Registration Number 2745850 2659753
Interlocutor Corresponde Corresponde Mark Corresponde Corresponde	ng Number: 91196954 Status: Pending ry Attorney: CHERYL S GOODMAN Name: GFA Brands, Inc. Int Address: DAVID R CROSS QUARLES BRADY LLP 411 EAST WISCONSIN AVENUE, MILWAUKEE WI, 53202 4497 UNITED STATES dent e-mail: marta.levine@quarles.com, david. s.com rks CE Name: Balance Bar Company Int Address: R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702 UNITED STATES dent e-mail: docket@schroederlawpc.com, gscorks	Defendant SUITE 2350 cross@quarles.com , tm-dept@quarles.com Application Status Opposition Pending Plaintiff(s) chroeder@schroederlawpc.com Application Status Renewed	i: Oct 15, 2010 iii johanna wilbert@quarles Se Nu 7786	rial Registration Mumber 84206 Registration Number 2745850

Oct 15, 2010

FILED AND FEE

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 15, 2010	Nov 24, 2010
3	PENDING, INSTITUTED	Oct 15, 2010	
4	ANSWER	Nov 24, 2010	
5	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 23, 2010	
6	SUSPENDED	Dec 23, 2010	
7	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jan 12, 2011	
8	D MOT TO CONSOLIDATE	Jan 28, 2011	
9	CONSOLIDATED - PARENT/TRIAL DATES RESET	Feb 07, 2011	
10	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 18, 2011	
11	SUSPENDED	Mar 02, 2011	
12	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 10, 2011	
13	EXTENSION OF TIME GRANTED	Aug 17, 2011	
14	P CHANGE OF CORRESP ADDRESS	Oct 06, 2011	
15	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 31, 2011	
16	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 31, 2011	
17	SUSPENDED	Nov 15, 2011	
18	APPEARANCE	Nov 17, 2011	
19	BOARD'S ORDER	Nov 26, 2011	
20	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS		
21	SUSPENDED	Dec 23, 2011	
22	STIPULATED PROTECTIVE ORDER	Jun 14, 2012	
23	STIPULATION NOTED AND APPROVED	Jul 09, 2012	
24	DF'S DISCLOSURE OF EXPERT PHILIP JOHNSON	Jul 19, 2012	
25	P MOT FOR EXT W/ CONSENT	Jul 27, 2012	
26	EXTENSION OF TIME GRANTED	Aug 08, 2012	
27	PLAINTIFF'S MOTION	Aug 17, 2012	
28	DECLARATION OF NORMAN J. MATAR	Sep 04, 2012	
29	DECLARATION OF DAVID R. CROSS	Sep 04, 2012	
30	D'S OPPOSITION/RESPONSE TO MOTION	Sep 04, 2012	
31	P'S OPPOSITION/RESPONSE TO MOTION	Sep 17, 2012	
32	TRIAL DATES RESET	·	
33	P DISCLOSURE OF EXPERT JACOB JACOBY	Oct 16, 2012 Nov 30, 2012	
34	D MOT TO COMPEL DISCOVERY	Jan 07, 2013	
35	D MOT TO COMPEL DISCOVERY		
	D'S DECLARATION OF WILBERT SUPPORT COMPEL	Jan 07, 2013	
36 37	D'S EXHIBIT A TO DECL OF WILBERT	Jan 07, 2013	
37	D'S EXHIBIT A OF DECL OF WILBERT	Jan 07, 2013	
38		Jan 07, 2013	
39	D'S EXHIBIT B OF DECL OF WILBERT	Jan 07, 2013	
40	D'S EXHIBIT C OF DECL OF WILBERT	Jan 07, 2013	
41	D'S EXHIBIT D OF DECL OF WILBERT	Jan 07, 2013	
42	D'S EXHIBIT E OF DECL OF WILBERT	Jan 07, 2013	
43	D'S EXHIBIT F OF DECL OF WILBERT	Jan 07, 2013	
44	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Jan 14, 2013	
45	P MOT FOR EXT W/ CONSENT	Jan 28, 2013	
46	EXTENSION OF TIME GRANTED	Jan 30, 2013	
47	P MOT FOR EXT W/ CONSENT	Feb 08, 2013	
48	EXTENSION OF TIME GRANTED	Feb 14, 2013	
49	P MOT FOR EXT W/ CONSENT	Feb 21, 2013	
50	EXTENSION OF TIME GRANTED	Feb 26, 2013	

	P OPP/RESP TO MOTION	Mar 28 2013
51	P DECLARATION OF HECHTEL	Mar 28, 2013
52		Mar 28, 2013
53	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
54	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
55	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
56	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
57	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
58	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
59	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
60	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
61	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
62	PROCEEDINGS RESUMED	Aug 05, 2013
63	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013
64	P MOT FOR EXT W/ CONSENT	Aug 23, 2013
65	EXTENSION OF TIME GRANTED	Aug 29, 2013
66	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
67	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
68	D OPP/RESP TO MOTION	Nov 04, 2013
69	D OPP/RESP TO MOTION	Nov 04, 2013
70	D OPP/RESP TO MOTION	Nov 04, 2013
71	D OPP/RESP TO MOTION	Nov 04, 2013
72	D OPP/RESP TO MOTION	Nov 04, 2013
73	D OPP/RESP TO MOTION	Nov 04, 2013
74	D OPP/RESP TO MOTION	Nov 04, 2013
75	D OPP/RESP TO MOTION	Nov 04, 2013
76	D OPP/RESP TO MOTION	Nov 04, 2013
77	D OPP/RESP TO MOTION	Nov 04, 2013
78	D OPP/RESP TO MOTION	Nov 04, 2013
79	D OPP/RESP TO MOTION	Nov 04, 2013
80	D OPP/RESP TO MOTION	Nov 04, 2013
81	D OPP/RESP TO MOTION	Nov 04, 2013
82	D OPP/RESP TO MOTION	Nov 04, 2013
83	D OPP/RESP TO MOTION	Nov 04, 2013
84	D OPP/RESP TO MOTION	Nov 04, 2013
85	D OPP/RESP TO MOTION	Nov 04, 2013
86	D OPP/RESP TO MOTION	Nov 04, 2013
87	D OPP/RESP TO MOTION	Nov 04, 2013
88	D OPP/RESP TO MOTION	Nov 04, 2013
89	D OPP/RESP TO MOTION	Nov 04, 2013
90	SUSP PEND DISP OF OUTSTNDNG MOT	Nov 06, 2013
91	P REPLY IN SUPPORT OF MOTION	Nov 25, 2013
92	PROCEEDINGS RESUMED	Feb 25, 2014
93	P NOTICE OF RELIANCE	May 27, 2014
94	P NOTICE OF RELIANCE	May 27, 2014 May 27, 2014
95	P NOTICE OF RELIANCE	•
95 96	P NOTICE OF RELIANCE	May 27, 2014 May 27, 2014
97	P NOTICE OF RELIANCE	
	P NOTICE OF RELIANCE	May 27, 2014
98	, NOTICE OF TICEMMOL	May 27, 2014

99	P NOTICE OF RELIANCE	May 27, 2014
100	STIP REGARDING TEST EVIDENCE	Jul 28, 2014
101	D TESTIMONY	Jul 28, 2014
102	D TESTIMONY	Jul 28, 2014
103	D TESTIMONY	Jul 28, 2014
104	D NOTICE OF RELIANCE	Jul 28, 2014
105	D NOTICE OF RELIANCE	Jul 28, 2014
106	D NOTICE OF RELIANCE	Jul 28, 2014
107	D NOTICE OF RELIANCE	Jul 28, 2014
108	D NOTICE OF RELIANCE	Jul 28, 2014
109	D NOTICE OF RELIANCE	Jul 28, 2014
110	D NOTICE OF RELIANCE	Jul 28, 2014
111	D NOTICE OF RELIANCE	Jul 28, 2014
112	D NOTICE OF RELIANCE	Jul 28, 2014
	T	!!

Type of Proceeding: Opposition

Proceeding Number: 91193619

Filing Date: Feb 01, 2010

Status: Terminated

Status Date: Aug 13, 2010

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: Tiens Group Co., Ltd.

Correspondent Address: MICHAEL MAOZ

KRAMER LEVIN NAFTALIS & FRANKEL LLP

1177 AVENUE OF THE AMERICAS NEW YORK NY, 10036-2714

UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{kltrademark@kramerlevin.com} \ , \ \underline{mmaoz@kramerlevin.com} \ , \ \underline{mmaoz@kramerlevin.com}$

Associated marks

Serial Registration Mark **Application Status** Number

VITAL BALANCE

Abandoned - After Inter-Partes Decision

77572513

Number

Plaintiff(s)

Name: BALANCE BAR COMPANY

Correspondent Address: DAVID I GREENBAUM

EDWARDS ANGELL PALMER & DODGE LLP

FDR STATION , PO BOX 130 NEW YORK NY , 10150 UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	76194400	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History		
History Text	Date	Due Date
FILED AND FEE	Feb 01, 2010	
NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 01, 2010	Mar 13, 2010
PENDING, INSTITUTED	Feb 01, 2010	
STIPULATION FOR AN EXTENSION OF TIME	Mar 12, 2010	
EXTENSION OF TIME GRANTED	Mar 15, 2010	
STIPULATION FOR AN EXTENSION OF TIME	Apr 12, 2010	
EXTENSION OF TIME GRANTED	Apr 12, 2010	
STIPULATION FOR AN EXTENSION OF TIME	May 12, 2010	
EXTENSION OF TIME GRANTED	May 12, 2010	
	HISTORY TEXT FILED AND FEE NOTICE AND TRIAL DATES SENT; ANSWER DUE: PENDING, INSTITUTED STIPULATION FOR AN EXTENSION OF TIME EXTENSION OF TIME GRANTED STIPULATION FOR AN EXTENSION OF TIME EXTENSION OF TIME GRANTED STIPULATION FOR AN EXTENSION OF TIME	HISTORY TEXT FILED AND FEE FILED AND FEE NOTICE AND TRIAL DATES SENT; ANSWER DUE: FEB 01, 2010 PENDING, INSTITUTED STIPULATION FOR AN EXTENSION OF TIME EXTENSION OF TIME GRANTED STIPULATION FOR AN EXTENSION OF TIME Apr 12, 2010 EXTENSION OF TIME GRANTED Apr 12, 2010 STIPULATION FOR AN EXTENSION OF TIME Apr 12, 2010 STIPULATION FOR AN EXTENSION OF TIME May 12, 2010

Type of Proceeding: Opposition			
17	TERMINATED	Aug 13, 2010	
16	BD'S DECISION: DISMISSED W/O PREJUDICE	Aug 13, 2010	
15	WITHDRAWAL OF OPPOSITION	Aug 09, 2010	
14	WITHDRAWAL OF APPLICATION	Aug 09, 2010	
13	EXTENSION OF TIME GRANTED	Jul 09, 2010	
12	STIPULATION FOR AN EXTENSION OF TIME	Jul 09, 2010	
11	EXTENSION OF TIME GRANTED	Jun 11, 2010	
10	STIPULATION FOR AN EXTENSION OF TIME	Jun 11, 2010	

Proceeding Number: 91193620

Filing Date: Feb 01, 2010

Status: Terminated

Status Date: Aug 13, 2010

Interlocutory Attorney: ANN LINNEHAN

Defendant

Name: Tiens Group Co., Ltd.

Correspondent Address: MICHAEL MAOZ

KRAMER LEVIN NAFTALIS & FRANKEL LLP 1177 AVENUE OF THE AMERICAS NEW YORK NY , 10036-2714

UNITED STATES

 $\textbf{Correspondent e-mail:} \ \ \, \underline{\textbf{kltrademark@kramerlevin.com}} \ \, , \\ \underline{\textbf{mmaoz@kramerlevin.com}} \ \, , \\ \underline{\textbf{mmaoz.om}} \ \, , \\ \underline{\textbf{m$

Associated marks

Serial Registration Mark **Application Status** Number Number

VITAL BALANCE

Abandoned - After Inter-Partes Decision

Plaintiff(s)

77572505

Name: BALANCE BAR COMPANY

Correspondent Address: David I. Greenbaum

Edwards Angell Palmer & Dodge LLP FDR StationP.O. Box 130

New York NY, 10150 UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	76194400	2745850
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	75854595	2636101

Prosecution History Entry **History Text** Date **Due Date** Number FILED AND FEE 1 Feb 01, 2010 2 NOTICE AND TRIAL DATES SENT; ANSWER DUE: Feb 01, 2010 Mar 13, 2010 3 PENDING, INSTITUTED Feb 01, 2010 STIPULATION FOR AN EXTENSION OF TIME 4 Mar 12, 2010 **EXTENSION OF TIME GRANTED** 5 Mar 15, 2010 STIPULATION FOR AN EXTENSION OF TIME 6 Apr 12, 2010 EXTENSION OF TIME GRANTED Apr 12, 2010 8 STIPULATION FOR AN EXTENSION OF TIME May 12, 2010 EXTENSION OF TIME GRANTED 9 May 12, 2010 STIPULATION FOR AN EXTENSION OF TIME 10 Jun 11, 2010 EXTENSION OF TIME GRANTED 11 Jun 11, 2010 STIPULATION FOR AN EXTENSION OF TIME 12 Jul 09, 2010 13 EXTENSION OF TIME GRANTED Jul 09, 2010 14 WITHDRAWAL OF APPLICATION Aug 09, 2010

WITHDRAWAL OF OPPOSITION 15 Aug 09, 2010 BD'S DECISION: DISMISSED W/O PREJUDICE 16 Aug 13, 2010 **TERMINATED** 17 Aug 13, 2010

Type of Proceeding: Opposition

Proceeding Number: 91192572

Filing Date: Nov 06, 2009 Status: Terminated

Status Date: Jun 23, 2010

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Mind Mine

Correspondent Address: ERIC M. NIELSEN

SNELL & WILMER L.L.P. ONE ARIZONA CENTER PHOENIX AZ, 85004-2202 UNITED STATES

Correspondent e-mail: enielsen@swlaw.com

Associated marks

Registration Mark **Application Status** Serial Number Number THYRO-BALANCE Registered 77697640 3823699

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: DAVID I. GREENBAUM

EDWARDS ANGELL PALMER & DODGE LLP

750 LEXINGTON AVENUE NEW YORK NY, 10022 **UNITED STATES**

Correspondent e-mail: DGreenbaum@eapdlaw.com, rfraley@swlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 06, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 06, 2009	Dec 16, 2009
3	PENDING, INSTITUTED	Nov 06, 2009	·
4	CHANGE OF CORRESPONDENCE ADDRESS	Dec 03, 2009	
5	STIPULATION FOR AN EXTENSION OF TIME	Dec 15, 2009	
6	EXTENSION OF TIME GRANTED	Dec 15, 2009	
7	STIPULATION FOR AN EXTENSION OF TIME	Feb 12, 2010	
8	EXTENSION OF TIME GRANTED	Feb 12, 2010	
9	STIPULATION TO REOPEN DISCOVERY	Mar 19, 2010	
10	EXTENSION OF TIME GRANTED	Mar 25, 2010	
11	STIPULATION FOR AN EXTENSION OF TIME	Apr 15, 2010	
12	EXTENSION OF TIME GRANTED	Apr 15, 2010	
13	MOTION TO AMEND APPLICATION	May 11, 2010	
14	RESPONSE DUE 30 DAYS (DUE DATE)	Jun 08, 2010	Jul 08, 2010
15	WITHDRAWAL OF OPPOSITION	Jun 14, 2010	,
16	BD'S DECISION: DISMISSED W/O PREJUDICE	Jun 23, 2010	
17	TERMINATED	Jun 23, 2010	

Type of Proceeding: Opposition

Proceeding Number: 91191491 Status: Terminated

Filing Date: Aug 11, 2009 Status Date: Feb 17, 2010 Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: DSM IP Assets B.V.

Correspondent Address: Duane M. Byers Nixon & Vanderhye P.C.

901 North Glebe Road, Suite 1100

Arlington VA, 22203 UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{\textbf{nixonptomail@nixonvan.com}} \text{ , } \underline{\textbf{dmb@nixonvan.com}} \text{ , } \underline{\textbf{dmb@nixonvan.com}}$

Associated marks

Mark **Application Status** Serial Number Registration Number

PEP2BALANCE

IR CANCELLED; US APPLICATION **ABANDONED**

79053062

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: David I. Greenbaum

Edwards Angell Palmer & Dodge LLP FDR StationP.O. Box 130 New York NY , 10150 UNITED STATES

Correspondent e-mail: trademark@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	2745850
BALANCE BAR	Renewed	<u>75321186</u>	2659753
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	78416165	3036771
BALANCE BARE	Registered	77053653	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u> 2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 11, 2009	and the second of the second o
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 13, 2009	Sep 22, 2009
3	PENDING, INSTITUTED	Aug 13, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Sep 11, 2009	
5	EXTENSION OF TIME GRANTED	Sep 11, 2009	
6	STIPULATION FOR AN EXTENSION OF TIME	Oct 15, 2009	
7	EXTENSION OF TIME GRANTED	Oct 15, 2009	
8	CHANGE OF CORRESPONDENCE ADDRESS	Dec 03, 2009	
9	NOTICE OF DEFAULT	Dec 24, 2009	
10	BOARD'S DECISION: SUSTAINED	Feb 17, 2010	
11	TERMINATED	Feb 17, 2010	

Type of Proceeding: Cancellation

Proceeding Number: 92028520

Filing Date: Jan 26, 1999

Status: Terminated

Status Date: Nov 22, 2002

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: BALANCE NUTRITION, LLC

Correspondent Address: RAYMOND I. GERALDSON, JR.

PATTISHALL, MCAULIFFE, NEWBURY,

HILLIARD & GERALDSON 311 SOUTH WACKER DR., SUITE 5000

CHICAGO IL, 60606 UNITED STATES

Associated marks

Mark

Application Status

Serial Number

Registration Number

Cancelled - Section 8 Plaintiff(s)

74396952

<u>1956717</u>

Name: BALANCE BAR COMPANY

Correspondent Address: JENIFER DEWOLF PAINE PROSKAUER, ROSE LLP 1585 BROADWAY NEW YORK NY, 10036 UNITED STATES

Associated marks

Mark		Application Status	Serial Number	Registration Number
BALANCE BAR		Renewed	<u>75321186</u>	2659753
	Prosecu	ition History		
Entry Number	History Text	Date	Due Date	•
1	FILED AND FEE	Jan 26, 1999		
2	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	Feb 18, 1999	Mar 30, 1	999
3	PENDING, INSTITUTED	Feb 18, 1999	,	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 01, 1999		
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 30, 1999		
6	ANSWER	Jun 04, 1999		
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 23, 1999		
8	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Oct 08, 1999		
9	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 06, 2000		
10	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 07, 2000		
11	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	May 11, 2000		
12	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 19, 2000		
13	SUSPENDED	Jan 12, 2001		
14	TRIAL DATES RESET	Aug 03, 2001		
15	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Sep 27, 2001		
16	SUSPENDED	Oct 29, 2001		
17	PL'S MOT TO EXT W/CON	Dec 11, 2001		
18	P'S MOTION FOR AN EXTENSION OF TIME	Oct 30, 2000		
19	PLAINTIFF'S W/D WITHOUT PREJUDICE W/CON SENT	Apr 25, 2002		
20	BOARD'S DECISION: DISMISSED W/O PREJ	May 20, 2002		
21	DF'S MOT TO EXT W/CON	Sep 05, 2000		
22	TERMINATED	May 20, 2002		
23	PL'S #20 RETURNED UNDELIVERABLE	Jun 13, 2002		
24	REMAILED BD'S #20 TO PL AT NEW YORK ADDR ESS	Aug 06, 2002		
25	TERMINATED	Nov 22, 2002		

EXHIBIT A3

Generated on: This page was generated by TSDR on 2014-08-18 20:41:28 EDT

Mark: BALANCE

BALANCE

US Serial Number: 76194400

Application Filing Date: Jan. 16, 2001

US Registration Number: 2745850

Registration Date: Aug. 05, 2003

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Dec. 09, 2013

Publication Date: Nov. 05, 2002

Mark Information

Mark Literal Elements: BALANCE Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

• Brackets [..] indicate deleted goods/services;

• Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Protein based, nutrient-dense snack bars

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE Basis: 1(a)

First Use: 1992

Use in Commerce: 1992

Basis Information (Case Level)

 Filed Use:
 Yes
 Currently Use:
 Yes

 Filed ITU:
 No
 Currently ITU:
 No

 Filed 44D:
 No
 Currently 44D:
 No

 Filed 44E:
 No
 Currently 44E:
 No

 Filed 66A:
 No
 Currently 66A:
 No

 Filed No Basis:
 No
 Currently No Basis:
 No

Amended Use: No Amended ITU: No Amended 44D: No

Amended 44E: No

Current Owner(s) Information

Owner Name: Balance Bar Company

Owner Address: Legal Dept.

2100 Smithtown Avenue Ronkonkoma, NEW YORK 11779

UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lee Grosskreuz Hechtel

Attorney Primary Email lhechtel@nbty.com speysekhman@nbty.com
Address:

Attorney Email Yes

Authorized:

Correspondent

Correspondent Lee Grosskreuz Hechtel Name/Address: NBTY, Inc.

2100 Smithtown Avenue

Legal Dept.

Ronkonkoma, NEW YORK 11779

UNITED STATES

Phone: 6312187335

Correspondent e-mail: lhechtel@nbty.com speysekhman@nbty.com

Fax: 6312187341

Correspondent e-mail Yes Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 09, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 09, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Dec. 09, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Nov. 21, 2013	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	69471
Dec. 09, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Nov. 21, 2013	TEAS SECTION 8 & 9 RECEIVED	
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 14, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 14, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 21, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	65765
Feb. 17, 2009	ASSIGNED TO PARALEGAL	65765
Feb. 12, 2009	TEAS SECTION 8 & 15 RECEIVED	
Mar. 05, 2008	CASE FILE IN TICRS	
Aug. 05, 2003	REGISTERED-PRINCIPAL REGISTER	
Dec. 12, 2002	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 05, 2002	PUBLISHED FOR OPPOSITION	
Oct. 16, 2002	NOTICE OF PUBLICATION	
Aug. 23, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 17, 2002	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Mar. 18, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 07, 2002	EXAMINERS AMENDMENT MAILED	
Dec. 10, 2001	NON-FINAL ACTION MAILED	
May 15, 2001	ASSIGNED TO EXAMINER	65999
May 04, 2001	ASSIGNED TO EXAMINER	72615

Maintenance Filings or Post Registration Information

Affidavit of Continued Section 8 - Accepted

Use:

Affidavit of Section 15 - Accepted

Incontestability:

Renewal Date: Aug. 05, 2013

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: GENERIC WEB UPDATE Date in Location: Dec. 09, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: Balance Bar Company

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4414/0199

Pages: 25

Date Recorded: Nov. 15, 2010

Supporting Documents: assignment-tm-4414-0199.pdf

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assignee

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where DELAWARE

Organized:

Address: 452 FIFTH AVENUE

14TH FLOOR

NEW YORK, NEW YORK 10018

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500 MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4423/0858

Pages: 26

Date Recorded: Dec. 02, 2010

Supporting Documents: assignment-tm-4423-0858.pdf

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assignee

Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where UNITED STATES

Organized:

Address: 281 TRESSER BOULEVARD

4TH FLOOR

STAMFORD, CONNECTICUT 06901

Correspondent

Correspondent Name: JACQUELINE P. SCHEIB

Correspondent Address: 280 TRUMBULL STREET

ROBINSON & COLE LLP

HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456

Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: assignment-tm-4902-0456.pdf

Assignor

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Execution Date: Nov. 14, 2012

Legal Entity Type: LIMITED PARTNERSHIP State or Country Where DELAWARE

Organized:

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 115 E. STEVENS AVENUE

SUITE 202

VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500 MINNEAPOLIS, MN 55402-1498

Name: WEBSTER BANK, NATIONAL ASSOCIATION

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Pages: 5

Date Recorded: Nov. 26, 2012

Supporting Documents: assignment-tm-4906-0668.pdf

Assignor

Execution Date: Nov. 26, 2012

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where DELAWARE

Organized:

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: SUITE 202

115 E. STEVENS AVENUE VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: CLARK W. LACKERT Correspondent Address: 1633 BROADWAY

NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 14

Type of Proceeding: Opposition

Proceeding Number: 91212477 Status: Pending

Filing Date: Sep 14, 2013

Status Date: Sep 14, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: JOHANNA M WILBERT

QUARLES & BRADY LLP 411 E WISCONSIN AVE, SUITE 2040

MILWAUKEE WI , 53202-4497

UNITED STATES

Correspondent e-mail: lim-dept@quarles.com, johanna.wilbert@quarles.com, david.cross@quarles.com, DRC@quarles.com, marta.levine@quarles.com, marta.levine@quarles.com, marta.johanna.wilbert@quarles.com, mailto:johanna.wilbert@quarles.com, <a href="mailto:

ndrea.fowler@quarles.com

Associated marks

Mark **Application Status** Serial Number Registration Number

EARTH BALANCE

Opposition Pending

8<u>5751520</u>

Plaintiff(s)

Correspondent Address: R GLENN SCHROEDER

SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702

UNITED STATES

Name: Balance Bar Company

 $\textbf{Correspondent e-mail:} \ \, \underline{\texttt{docket@schroederlawpc.com}, gschroeder@schroederlawpc.com}}$

Associated marks

Application Status

Serial Number Registration Number

Mark

BALANCE GOLD		Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE		Renewed	76194400	<u>2745850</u>
BALANCE BAR	0010	Section 8 and 15 - Accepted and Acknowledged	78409022	2999244
BALANCE BAR		Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	3036771
BALANCE BARE	<u> </u>	Registered	<u>77053653</u>	<u>3436917</u>
BALANCE PURI	Ē	Registered	77734900	<u>3760265</u>
BALANCE		Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR		Registered	<u>85099106</u>	<u>4062171</u>
		Prosecution History		
Entry Number	History Text	Date		Due Date
1	FILED AND FEE	Sep 14, 2013		
2	NOTICE AND TRIAL DATES SENT; ANSWER	DUE: Sep 14, 2013		Oct 24, 2013
3	PENDING, INSTITUTED	Sep 14, 2013		
4	ANSWER	Oct 10, 2013		
5	STIPULATED PROTECTIVE ORDER	Feb 18, 2014		
6	TRIAL DATES REMAIN AS SET	Feb 20, 2014		
7	P MOT FOR EXT W/ CONSENT	Apr 15, 2014		
8	EXTENSION OF TIME GRANTED	Apr 16, 2014		
9	CORRECTION TO SCHEDULE	Apr 21, 2014		
10	D EXPERT DISCLOSURES	Apr 22, 2014		
11	P REBUTTAL DISCLOSURES	May 27, 2014		
12	D EXPERT DISCLOSURES	Jun 19, 2014		
13	STIP FOR INTRO OF EVIDENCE	Aug 06, 2014		
14	TRIAL DATES REMAIN AS SET	Aug 14, 2014		
	Ту	pe of Proceeding: Opposition		

Proceeding Number: 91203829

Filing Date: Feb 14, 2012

Status: Terminated

Status Date: Apr 03, 2014

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Doctor pHresh Nutritionals, L.L.C.

Correspondent Address: FARLEY I WEISS AND MARK H WEISS

WEISS MOY PC 4204 N BROWN AVE SCOTTSDALE AZ, 85251 3914

UNITED STATES

 $\textbf{Correspondent e-mail:} \ \, \underline{kmotolenich@weissiplaw.com,gmarinelli@weissiplaw.com,fweiss@weissiplaw.com} \\$

Associated marks

Mark	Application Status	Serial Number	Registration Number
PHRESH BALANCE	Abandoned - After Inter-Partes Decision	<u>85175388</u>	
	Plaintiff(e)		

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER

SCHROEDER LAW PC 110 COOPER ST 605 BABYLON NY , 11702 UNITED STATES

 $\textbf{Correspondent e-mail:} \ \, \underline{docket@schroederlawpc.com}, \underline{gschroeder@schroederlawpc.com}$

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE	Registered	85099089	3937988

BALANCE BAR		Renewed		<u>75321186</u>	2659753
BALANCE BAR		Section 8 an	d 15 - Accepted and	<u>78416165</u>	3036771
BALANCE BAR		Registered	su .	85099106	4062171
BALANCE BAR GOLD		_	d 15 - Accepted and		
BALANCE BAN GOLD		Acknowledge	ed	78409022	<u>2999244</u>
BALANCE BARE		Registered		<u>77053653</u>	<u>3436917</u>
BALANCÉ GOLD		Renewed		<u>75854595</u>	<u>2636101</u>
BALANCE PURE		Registered		77734900	<u>3760265</u>
BALANCE		Fifth Extensi	on - Granted	<u>85099094</u>	
BALANCE BAR		Fifth Extensi	on - Granted	<u>85099118</u>	
		Prosecutio	on History		
Entry History Te Number	ext		Date	Due Date	
1 FILED AND F	EE		Feb 14, 2012		
2 NOTICE AND	TRIAL DATES SENT; ANSWER	DUE:	Feb 14, 2012	Mar 25, 2012	
3 PENDING, IN	STITUTED		Feb 14, 2012	•	
4 STIPULATION	N FOR AN EXTENSION OF TIME	Ē	Mar 16, 2012		
5 EXTENSION 6	OF TIME GRANTED		Mar 16, 2012		
6 STIPULATION	N FOR AN EXTENSION OF TIME		May 18, 2012		
7 EXTENSION	OF TIME GRANTED		May 18, 2012		
8 STIPULATION	N FOR AN EXTENSION OF TIME		Jul 21, 2012		
9 EXTENSION	OF TIME GRANTED		Jul 21, 2012		
10 STIPULATION	N FOR AN EXTENSION OF TIME		Aug 15, 2012		
11 EXTENSION	OF TIME GRANTED		Aug 15, 2012		
12 STIPULATION	N FOR AN EXTENSION OF TIME		Oct 12, 2012		
13 EXTENSION O	OF TIME GRANTED		Oct 12, 2012		
14 STIPULATION	N FOR AN EXTENSION OF TIME		Dec 14, 2012		
15 EXTENSION O	OF TIME GRANTED		Dec 14, 2012		
16 NOTICE OF D	DEFAULT		Apr 08, 2013		
17 D MOT TO SE	ET ASIDE DEFAULT/ACCEPT LA	TE ANSWER	Apr 23, 2013		
18 PROCEEDING	GS RESUMED		May 17, 2013		
19 D MOT FOR E	EXT W/ CONSENT		Jun 10, 2013		
20 EXTENSION (OF TIME GRANTED		Jun 27, 2013		
21 P APPEARAN	ICE / POWER OF ATTORNEY		Aug 12, 2013		
22 P MOT FOR E	EXT W/ CONSENT		Aug 12, 2013		
23 EXTENSION O	OF TIME GRANTED		Aug 27, 2013		
24 D MOT FOR E	EXT W/ CONSENT		Nov 11, 2013		
25 TRIAL DATES	REMAIN AS SET		Dec 12, 2013		
26 P RESP TO B	D ORDER/INQUIRY		Dec 17, 2013		
27 EXTENSION C	OF TIME GRANTED		Jan 09, 2014		
28 NOTICE OF D	EFAULT		Feb 07, 2014		
29 BD DECISION	I: SUSTAINED		Apr 03, 2014		
30 TERMINATED)		Apr 03, 2014		
	Туі	pe of Proceedi	ng: Opposition		

Proceeding Number: 91197748

Filing Date: Dec 07, 2010

Status: Pending

Status Date: Dec 07, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: MARTA S LEVINE

QUARLES & BRADY LLP 411 EAST WISCONSIN AVE MILWAUKE WI , 53202

UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{marta.levine@quarles.com} \text{ , } \underline{david.cross@quarles.com} \text{ , } \underline{tm-dept@quarles.com}$

Associated marks

Serial Registration **Application Status** Mark Number Number SMART BALANCE Opposition Pending 77864268

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702 **UNITED STATES**

Correspondent e-mail: docket@schroederlawpc.com,gschroeder@schroederlawpc.com

Associated marks

•			
Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	76194400	2745850
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	<u>78409022</u>	<u>2999244</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	3036771
BALANCE BARE	Registered	<u>77053653</u>	3436917
BALANCE	Registered	85099089	3937988
BALANCE BAR	Registered	<u>85099106</u>	4062171

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 07, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 08, 2010	Jan 17, 2011
3	PENDING, INSTITUTED	Dec 08, 2010	
4	ANSWER	Jan 12, 2011	
5	MOTION TO CONSOLIDATE	Jan 28, 2011	
6	CONSOLIDATED - CHILD OF 91196954	Feb 07, 2011	
7	CHANGE OF CORRESPONDENCE ADDRESS	Oct 06, 2011	
8	APPEARANCE	Nov 17, 2011	
9	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013	

Type of Proceeding: Opposition

Proceeding Number: 91197149

Filing Date: Oct 25, 2010

Status: Terminated

Status Date: Mar 24, 2011

Interlocutory Attorney: CHERYL A BUTLER

Defendant

Name: Lighterlife UK Limited

Correspondent Address: JEFFREY H GREGER

LOWE HAUPTMAN & BERNER LLP 1700 DIAGONAL RD STE 300 ALEXANDRIA VA , 22314-2866

UNITED STATES

Correspondent e-mail: jhgreger@ipfirm.com

Associated marks

Registration Mark **Application Status** Serial Number Number LIGHTER LIFE IN BALANCE Registered 78816226 3953476

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: DAVID I GREENBAUM

EDWARDS ANGELL PALMER & DODGE LLP PO BOX 130 FDR STATION

NEW YORK NY , 10150-0130

UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

ociated	

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	76194400	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	75854595	<u> 2636101</u>
BALANCE	Registered	<u>85099089</u>	<u>3937988</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 25, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 28, 2010	Dec 07, 2010
3	PENDING, INSTITUTED	Oct 28, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Dec 06, 2010	
5	EXTENSION OF TIME GRANTED	Dec 06, 2010	
6	STIPULATION FOR AN EXTENSION OF TIME	Jan 05, 2011	
7	EXTENSION OF TIME GRANTED	Jan 05, 2011	
8	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Feb 04, 2011	
9	SUSPENDED	Feb 04, 2011	
10	MOTION TO AMEND APPLICATION	Mar 07, 2011	
11	WITHDRAWAL OF OPPOSITION	Mar 07, 2011	
12	BD'S DECISION: DISMISSED W/O PREJUDICE	Mar 24, 2011	
13	TERMINATED	Mar 24, 2011	
	Type of Proc	eding: Opposition	

Type of Proceeding: Opposition

Proceeding Number: 91196954

Filing Date: Oct 15, 2010

Status: Pending

Status Date: Oct 15, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc. Correspondent Address: DAVID R CROSS

QUARLES BRADY LLP

411 EAST WISCONSIN AVENUE, SUITE 2350

MILWAUKEE WI, 53202 4497

UNITED STATES

Correspondent e-mail: marta.levine@quarles.com, david.cross@quarles.com, tm-dept@quarles.com, johanna.wilbert@quarles.com, andrea.towler@quarle

s.com

Associated marks

Serial Registration **Application Status** Mark Number Number SMART BALANCE Opposition Pending 77864206

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER

SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702 UNITED STATES

Correspondent e-mail: docket@schroederlawpc.com, gschroeder@schroederlawpc.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	76194400	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	2659753

 BALANCE GOLD
 Renewed
 75854595
 2636101

 BALANCE
 Registered
 85099089
 3937988

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 15, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 15, 2010	Nov 24, 2010
3	PENDING, INSTITUTED	Oct 15, 2010	
4	ANSWER	Nov 24, 2010	
5	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 23, 2010	
6	SUSPENDED	Dec 23, 2010	
7	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jan 12, 2011	
8	D MOT TO CONSOLIDATE	Jan 28, 2011	
9	CONSOLIDATED - PARENT/TRIAL DATES RESET	Feb 07, 2011	
10	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 18, 2011	
11	SUSPENDED	Mar 02, 2011	
12	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 10, 2011	
13	EXTENSION OF TIME GRANTED	Aug 17, 2011	
14	P CHANGE OF CORRESP ADDRESS	Oct 06, 2011	
15	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 31, 2011	
16	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 31, 2011	
17	SUSPENDED	Nov 15, 2011	
18	APPEARANCE	Nov 17, 2011	
19	BOARD'S ORDER	Nov 26, 2011	
20	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 19, 2011	
21	SUSPENDED	Dec 23, 2011	
22	STIPULATED PROTECTIVE ORDER	Jun 14, 2012	
23	STIPULATION NOTED AND APPROVED	Jul 09, 2012	
24	DF'S DISCLOSURE OF EXPERT PHILIP JOHNSON	Jul 19, 2012	
25	P MOT FOR EXT W/ CONSENT	Jul 27, 2012	
26	EXTENSION OF TIME GRANTED	Aug 08, 2012	
27	PLAINTIFF'S MOTION	Aug 17, 2012	
28	DECLARATION OF NORMAN J. MATAR	Sep 04, 2012	
29	DECLARATION OF DAVID R. CROSS	Sep 04, 2012	
30	D'S OPPOSITION/RESPONSE TO MOTION	Sep 04, 2012	
31	P'S OPPOSITION/RESPONSE TO MOTION	Sep 17, 2012	
32	TRIAL DATES RESET	Oct 16, 2012	
33	P DISCLOSURE OF EXPERT JACOB JACOBY	Nov 30, 2012	
34	D MOT TO COMPEL DISCOVERY	Jan 07, 2013	
35	D MOT TO COMPEL DISCOVERY	Jan 07, 2013	
36	D'S DECLARATION OF WILBERT SUPPORT COMPEL	Jan 07, 2013	
37	D'S EXHIBIT A TO DECL OF WILBERT	Jan 07, 2013	
38	D'S EXHIBIT A OF DECL OF WILBERT	Jan 07, 2013	
3 9	D'S EXHIBIT B OF DECL OF WILBERT	Jan 07, 2013	
40	D'S EXHIBIT C OF DECL OF WILBERT	Jan 07, 2013	
41	D'S EXHIBIT D OF DECL OF WILBERT	Jan 07, 2013	
42	D'S EXHIBIT E OF DECL OF WILBERT	Jan 07, 2013	
43	D'S EXHIBIT F OF DECL OF WILBERT	Jan 07, 2013	
44	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Jan 14, 2013	
		,	

45	P MOT FOR EXT W/ CONSENT	Jan 28, 2013
46	EXTENSION OF TIME GRANTED	Jan 30, 2013
47	P MOT FOR EXT W/ CONSENT	Feb 08, 2013
48	EXTENSION OF TIME GRANTED	Feb 14, 2013
49	P MOT FOR EXT W/ CONSENT	Feb 21, 2013
50	EXTENSION OF TIME GRANTED	Feb 26, 2013
51	P OPP/RESP TO MOTION	Mar 28, 2013
52	P DECLARATION OF HECHTEL	Mar 28, 2013
53	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
54	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
55	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
56	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
57	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
58	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
59	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
60	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
61	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
62	PROCEEDINGS RESUMED	Aug 05, 2013
63	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013
64	P MOT FOR EXT W/ CONSENT	Aug 23, 2013
65	EXTENSION OF TIME GRANTED	Aug 29, 2013
66	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
67	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
68	D OPP/RESP TO MOTION	Nov 04, 2013
69	D OPP/RESP TO MOTION	Nov 04, 2013
70	D OPP/RESP TO MOTION	Nov 04, 2013
71	D OPP/RESP TO MOTION	Nov 04, 2013
72	D OPP/RESP TO MOTION	Nov 04, 2013
73	D OPP/RESP TO MOTION	Nov 04, 2013
74	D OPP/RESP TO MOTION	Nov 04, 2013
75	D OPP/RESP TO MOTION	Nov 04, 2013
76	D OPP/RESP TO MOTION	Nov 04, 2013
77	D OPP/RESP TO MOTION	Nov 04, 2013
78	D OPP/RESP TO MOTION	Nov 04, 2013
79	D OPP/RESP TO MOTION	Nov 04, 2013
80	D OPP/RESP TO MOTION	Nov 04, 2013
81	D OPP/RESP TO MOTION	Nov 04, 2013
82	D OPP/RESP TO MOTION	Nov 04, 2013
83	D OPP/RESP TO MOTION	Nov 04, 2013
84	D OPP/RESP TO MOTION	Nov 04, 2013
85	D OPP/RESP TO MOTION	Nov 04, 2013
86	D OPP/RESP TO MOTION	Nov 04, 2013
87	D OPP/RESP TO MOTION	Nov 04, 2013
88	D OPP/RESP TO MOTION	Nov 04, 2013
89	D OPP/RESP TO MOTION	Nov 04, 2013
90	SUSP PEND DISP OF OUTSTNDNG MOT	Nov 06, 2013
91	P REPLY IN SUPPORT OF MOTION	Nov 25, 2013
92	PROCEEDINGS RESUMED	Feb 25, 2014
93	P NOTICE OF RELIANCE	May 27, 2014
		, =.,, === 1.7

45	P MOT FOR EXT W/ CONSENT	Jan 28, 2013
46	EXTENSION OF TIME GRANTED	Jan 30, 2013
47	P MOT FOR EXT W/ CONSENT	Feb 08, 2013
48	EXTENSION OF TIME GRANTED	Feb 14, 2013
49	P MOT FOR EXT W/ CONSENT	Feb 21, 2013
50	EXTENSION OF TIME GRANTED	Feb 26, 2013
51	P OPP/RESP TO MOTION	Mar 28, 2013
52	P DECLARATION OF HECHTEL	Mar 28, 2013
53	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
54	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
55	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
56	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
57	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
58	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
59	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
60	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
61	D REPLY IN SUPPORT OF MOTION	•
62	PROCEEDINGS RESUMED	Apr 12, 2013
63	P APPEARANCE / POWER OF ATTORNEY	Aug 05, 2013
64	P MOT FOR EXT W/ CONSENT	Aug 06, 2013
65	EXTENSION OF TIME GRANTED	Aug 23, 2013
66	P MOT TO AMEND PLEADING/AMENDED PLEADING	Aug 29, 2013
		Oct 18, 2013
67	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
68	D OPP/RESP TO MOTION	Nov 04, 2013
69	D OPP/RESP TO MOTION	Nov 04, 2013
70	D OPP/RESP TO MOTION	Nov 04, 2013
71	D OPP/RESP TO MOTION	Nov 04, 2013
72	D OPP/RESP TO MOTION	Nov 04, 2013
73	D OPP/RESP TO MOTION	Nov 04, 2013
74	D OPP/RESP TO MOTION	Nov 04, 2013
75	D OPP/RESP TO MOTION	Nov 04, 2013
76	D OPP/RESP TO MOTION	Nov 04, 2013
77	D OPP/RESP TO MOTION	Nov 04, 2013
78	D OPP/RESP TO MOTION	Nov 04, 2013
79	D OPP/RESP TO MOTION	Nov 04, 2013
80	D OPP/RESP TO MOTION	Nov 04, 2013
81	D OPP/RESP TO MOTION	Nov 04, 2013
82	D OPP/RESP TO MOTION	Nov 04, 2013
83	D OPP/RESP TO MOTION	Nov 04, 2013
84	D OPP/RESP TO MOTION	Nov 04, 2013
85	D OPP/RESP TO MOTION	Nov 04, 2013
86	D OPP/RESP TO MOTION	Nov 04, 2013
87	D OPP/RESP TO MOTION	Nov 04, 2013
88	D OPP/RESP TO MOTION	Nov 04, 2013
89	D OPP/RESP TO MOTION	Nov 04, 2013
90	SUSP PEND DISP OF OUTSTNDNG MOT	Nov 06, 2013
91	P REPLY IN SUPPORT OF MOTION	Nov 25, 2013
92	PROCEEDINGS RESUMED	Feb 25, 2014
93	P NOTICE OF RELIANCE	May 27, 2014

		Type of Proceeding: Opposition
112	D NOTICE OF RELIANCE	Jul 28, 2014
111	D NOTICE OF RELIANCE	Jul 28, 2014
110	D NOTICE OF RELIANCE	Jul 28, 2014
109	D NOTICE OF RELIANCE	Jul 28, 2014
108	D NOTICE OF RELIANCE	Jul 28, 2014
107	D NOTICE OF RELIANCE	Jul 28, 2014
106	D NOTICE OF RELIANCE	Jul 28, 2014
105	D NOTICE OF RELIANCE	Jul 28, 2014
104	D NOTICE OF RELIANCE	Jul 28, 2014
103	D TESTIMONY	Jul 28, 2014
102	D TESTIMONY	Jul 28, 2014
101	D TESTIMONY	Jul 28, 2014
100	STIP REGARDING TEST EVIDENCE	Jul 28, 2014
99	P NOTICE OF RELIANCE	May 27, 2014
98	P NOTICE OF RELIANCE	May 27, 2014
97	P NOTICE OF RELIANCE	May 27, 2014
96	P NOTICE OF RELIANCE	May 27, 2014
95	P NOTICE OF RELIANCE	May 27, 2014
94	P NOTICE OF RELIANCE	May 27, 2014

Type of Proceeding: Opposition

Proceeding Number: 91193619

Status: Terminated

Interlocutory Attorney: GEORGE POLOGEORGIS

Filing Date: Feb 01, 2010

Status Date: Aug 13, 2010

Defendant

Name: Tiens Group Co., Ltd.

Correspondent Address: MICHAEL MAOZ KRAMER LEVIN NAFTALIS & FRANKEL LLP 1177 AVENUE OF THE AMERICAS NEW YORK NY, 10036-2714 UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{\texttt{kltrademark@kramerlevin.com}} \text{, } \underline{\texttt{mnnaoz@kramerlevin.com}} \text{, } \underline{\texttt{mnnaoz@kramerlevin.com}}$

Associated marks

Mark **Application Status**

VITAL BALANCE Abandoned - After Inter-Partes Decision Serial Number Registration Number

77572513

Plaintiff(s)

Name: BALANCE BAR COMPANY

Correspondent Address: DAVID I GREENBAUM

EDWARDS ANGELL PALMER & DODGE LLP

FDR STATION , PO BOX 130 NEW YORK NY , 10150 **UNITED STATES**

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	2659753
BALANCE GOLD	Renewed	<u>75854595</u>	<u> 2636101</u>

Pr	ose	cu	tion	His	lory

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 01, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 01, 2010	Mar 13, 2010
3	PENDING, INSTITUTED	Feb 01, 2010	,

17	TERMINATED	Aug 13, 2010
16	BD'S DECISION: DISMISSED W/O PREJUDICE	Aug 13, 2010
15	WITHDRAWAL OF OPPOSITION	Aug 09, 2010
14	WITHDRAWAL OF APPLICATION	Aug 09, 2010
13	EXTENSION OF TIME GRANTED	Jul 09, 2010
12	STIPULATION FOR AN EXTENSION OF TIME	Jul 09, 2010
11	EXTENSION OF TIME GRANTED	Jun 11, 2010
10	STIPULATION FOR AN EXTENSION OF TIME	Jun 11, 2010
9	EXTENSION OF TIME GRANTED	May 12, 2010
8	STIPULATION FOR AN EXTENSION OF TIME	May 12, 2010
7	EXTENSION OF TIME GRANTED	Apr 12, 2010
6	STIPULATION FOR AN EXTENSION OF TIME	Apr 12, 2010
5	EXTENSION OF TIME GRANTED	Mar 15, 2010
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 12, 2010

Type of Proceeding: Opposition

Proceeding Number: 91193620

Status: Terminated

Filing Date: Feb 01, 2010

Status Date: Aug 13, 2010

Interlocutory Attorney: ANN LINNEHAN

Defendant

Name: Tiens Group Co., Ltd.

Correspondent Address: MICHAEL MAOZ

KRAMER LEVIN NAFTALIS & FRANKEL LLP

1177 AVENUE OF THE AMERICAS NEW YORK NY , 10036-2714 UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{\texttt{kltrademark@kramerlevin.com}} \ , \underline{\texttt{mmaoz@kramerlevin.com}} \ , \underline{\texttt{mmaoz@kramerlevin.com}} \$

Associated marks

Mark

Application Status

Serial Number

Registration Number

VITAL BALANCE

Abandoned - After Inter-Partes Decision

77572505

Plaintiff(s)

Name: BALANCE BAR COMPANY

Correspondent Address: David I. Greenbaum
Edwards Angell Palmer & Dodge LLP

FDR StationP.O. Box 130 New York NY , 10150 UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE GOLD	Renewed	75854595	<u> 2636101</u>

December 1914

Prose	ecution History	
History Text	Date	Due Date
FILED AND FEE	Feb 01, 2010	
NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 01, 2010	Mar 13, 2010
PENDING, INSTITUTED	Feb 01, 2010	·
STIPULATION FOR AN EXTENSION OF TIME	Mar 12, 2010	
EXTENSION OF TIME GRANTED	Mar 15, 2010	
STIPULATION FOR AN EXTENSION OF TIME	Apr 12, 2010	
EXTENSION OF TIME GRANTED	Apr 12, 2010	
STIPULATION FOR AN EXTENSION OF TIME	May 12, 2010	
EXTENSION OF TIME GRANTED	May 12, 2010	
	History Text FILED AND FEE NOTICE AND TRIAL DATES SENT; ANSWER DUE: PENDING, INSTITUTED STIPULATION FOR AN EXTENSION OF TIME EXTENSION OF TIME GRANTED STIPULATION FOR AN EXTENSION OF TIME EXTENSION OF TIME GRANTED STIPULATION FOR AN EXTENSION OF TIME	FILED AND FEE NOTICE AND TRIAL DATES SENT; ANSWER DUE: PENDING, INSTITUTED STIPULATION FOR AN EXTENSION OF TIME EXTENSION OF TIME GRANTED STIPULATION FOR AN EXTENSION OF TIME Apr 12, 2010 EXTENSION OF TIME GRANTED Apr 12, 2010 STIPULATION FOR AN EXTENSION OF TIME Apr 12, 2010 STIPULATION FOR AN EXTENSION OF TIME May 12, 2010

Type of Proceeding: Opposition				
17	TERMINATED	Aug 13, 2010		
16	BD'S DECISION: DISMISSED W/O PREJUDICE	Aug 13, 2010		
15	WITHDRAWAL OF OPPOSITION	Aug 09, 2010		
14	WITHDRAWAL OF APPLICATION	Aug 09, 2010		
13	EXTENSION OF TIME GRANTED	Jul 09, 2010		
12	STIPULATION FOR AN EXTENSION OF TIME	Jul 09, 2010		
11	EXTENSION OF TIME GRANTED	Jun 11, 2010		
10	STIPULATION FOR AN EXTENSION OF TIME	Jun 11, 2010		

Proceeding Number: 91192572

Status: Terminated

Filing Date: Nov 06, 2009

Status Date: Jun 23, 2010

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Mind Mine

Correspondent Address: ERIC M. NIELSEN SNELL & WILMER L.L.P. ONE ARIZONA CENTER PHOENIX AZ , 85004-2202 UNITED STATES

Correspondent e-mail: enielsen@swlaw.com

Associated marks

Mark Registration **Application Status** Serial Number Number THYRO-BALANCE Registered 77697640 3823699

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: DAVID I. GREENBAUM
EDWARDS ANGELL PALMER & DODGE LLP
750 LEXINGTON AVENUE
NEW YORK NY , 10022
UNITED STATES

 $\textbf{Correspondent e-mail:} \ \ \underline{ DGreenbaum@eapdlaw.com} \ , \ \underline{ rfraley@swlaw.com}$

Associated marks

Mark		Application Status	Serial Number	Registration Number
BALANCE	į.	Renewed	<u>76194400</u>	2745850
BALANCE BAR	F	Renewed	75321186	2659753
BALANCE GOLD		Renewed	<u>75854595</u>	<u>2636101</u>

BALANCE GOL		Renewed	75854595	2636101
	Prose	ecution History		
Entry Number	History Text	Date	Due (Date
1	FILED AND FEE	Nov 06, 2009		
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 06, 2009	Dec 16	, 2009
3	PENDING, INSTITUTED	Nov 06, 2009		•
4	CHANGE OF CORRESPONDENCE ADDRESS	Dec 03, 2009		
5	STIPULATION FOR AN EXTENSION OF TIME	Dec 15, 2009		
6	EXTENSION OF TIME GRANTED	Dec 15, 2009		
7	STIPULATION FOR AN EXTENSION OF TIME	Feb 12, 2010		
8	EXTENSION OF TIME GRANTED	Feb 12, 2010		
9	STIPULATION TO REOPEN DISCOVERY	Mar 19, 2010		
10	EXTENSION OF TIME GRANTED	Mar 25, 2010		
11	STIPULATION FOR AN EXTENSION OF TIME	Apr 15, 2010		
12	EXTENSION OF TIME GRANTED	Apr 15, 2010		
13	MOTION TO AMEND APPLICATION	May 11, 2010		
14	RESPONSE DUE 30 DAYS (DUE DATE)	Jun 08, 2010	Jul 08,	2010

15 WITHDRAWAL OF OPPOSITION Jun 14, 2010 BD'S DECISION: DISMISSED W/O PREJUDICE 16 Jun 23, 2010 17 **TERMINATED** Jun 23, 2010

Type of Proceeding: Opposition

Proceeding Number: 91191491

Filing Date: Aug 11, 2009

Status: Terminated

Status Date: Feb 17, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

Name: DSM IP Assets B.V.

Defendant

Correspondent Address: Duane M. Byers

Nixon & Vanderhye P.C. 901 North Glebe Road, Suite 1100

Arlington VA, 22203

UNITED STATES

Correspondent e-mail: nixonptomail@nixonvan.com , dmb@nixonvan.com

Associated marks

Mark Serial Registration **Application Status** Number Number

IR CANCELLED; US APPLICATION PEP2BALANCE **ABANDONED**

79053062

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: David I. Greenbaum

Edwards Angell Palmer & Dodge LLP

FDR StationP.O. Box 130 New York NY, 10150 **UNITED STATES**

Correspondent e-mail: trademark@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	2745850
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	78416165	3036771
BALANCE BARE	Registered	77053653	3436917
BALANCE GOLD	Renewed	<u>75854595</u>	2636101
	Dunament - Itter		

	Prose	cution History	
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 11, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 13, 2009	Sep 22, 2009
3	PENDING, INSTITUTED	Aug 13, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Sep 11, 2009	
5	EXTENSION OF TIME GRANTED	Sep 11, 2009	
6	STIPULATION FOR AN EXTENSION OF TIME	Oct 15, 2009	
7	EXTENSION OF TIME GRANTED	Oct 15, 2009	
8	CHANGE OF CORRESPONDENCE ADDRESS	Dec 03, 2009	
9	NOTICE OF DEFAULT	Dec 24, 2009	
10	BOARD'S DECISION: SUSTAINED	Feb 17, 2010	
11	TERMINATED	Feb 17, 2010	

Type of Proceeding: Opposition

Proceeding Number: 91188830

Filing Date: Feb 12, 2009

Status: Terminated

Status Date: Nov 06, 2009

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Corporacion Industrial Alimenticia, S.A. de C.V.

Correspondent Address: JEFFREY A. SMITH

MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD STE 1400

ARLINGTON VA , 22201-3360

UNITED STATES

Correspondent e-mail: Culver@mwzb.com

Associated marks

Registration Mark **Application Status** Serial Number Number **BALANCE BIO 3** Registered 77268767 4268437

Plaintiff(s)

Name: BALANCE BAR COMPANY

Correspondent Address: TMSU

Morgan Lewis & Bockius LLP 1111 Pennsylvania Avenue NW Washington DC , 20004 UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{\text{trademarks@morganlewis.com}}, \\ \underline{\text{kbutcher@morganlewis.com}}, \\ \underline{\text{kaltoff@morganlewis.com}}, \\ \underline{\text{kaltoff@morganlewis.com}}, \\ \underline{\text{koutcher@morganlewis.com}}, \\ \underline{\text{koutche$

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	2745850
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	3036771
BALANCE BARE	Registered	77053653	3436917
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

	rrose	cution history	
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 12, 2009	Mar 24, 2009
3	PENDING, INSTITUTED	Feb 12, 2009	
4	ANSWER	Mar 24, 2009	
5	MOTION TO CONSOLIDATE	Mar 24, 2009	
6	CONSOLIDATION GRANTED	Mar 25, 2009	
7	APPEARANCE	May 27, 2009	
8	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	Jun 04, 2009	
9	SUSPENDED	Jun 04, 2009	
10	STIP TO SUSPEND PEND SETTLEMENT NEGOTINS	Aug 10, 2009	
11	SUSPENDED	Aug 10, 2009	
12	MOTION TO AMEND APPLICATION	Oct 30, 2009	
13	RESPONSE DUE 30 DAYS (DUE DATE)	Nov 06, 2009	Dec 06, 2009
14	WITHDRAWAL OF OPPOSITION	Nov 06, 2009	
15	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 06, 2009	
16	TERMINATED	Nov 06, 2009	

Type of Proceeding: Opposition

Proceeding Number: 91188832

Filing Date: Feb 12, 2009

Status: Terminated

Status Date: Apr 20, 2009

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: PHARMAVITE LLC

Correspondent Address: STANLEY W. SOKOLOFF

BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD 7TH FLOOR LOS ANGELES CA, 90025-1040

UNITED STATES

Correspondent e-mail: tm_filings@bstz.com , daniel_russell@bstz.com

Associated marks

Mark			Appi	ication Statu	s		rial mber	Registration Number
EQUOL BALAN	ICE		Aband	loned - No	Statement Of Use		0338	
				Plaintiff(s)				
	Name:	Balance Bar Company						
Corresponde	ent Address:	Susan H. Frohling BALANCE BAR COMPANY Three Lakes Drive Northfield IL , 60093 UNITED STATES						
Correspon	dent e-mail:	sfrohling@Kraft.com						
Associated ma	ırks							
Mark			Appli	cation Statu	3 3	Sei Nu	ial mber	Registration Number
BALANCE			Renew	/ed		<u>7619</u>	4400	2745850
BALANCE BAR				n 8 and 15 wledged	- Accepted and	<u>7841</u>	6165	3036771
BALANCE BARI	E		Regist	•		<u>7705</u>	3653	3436917
BALANCE GOLI	D		Renew					2636101
	1. 16.			secution His	story	<u>7585</u>	4393	2030101
Entry	History	Toyt						
Number	- <u> </u>				Date	Due Da	ite	
1	FILED AN				b 12, 2009			
2	NOTICE A	ND TRIAL DATES SENT; ANSWER	DUE:	Fe	b 12, 2009	Mar 24,	2009	
3	PENDING	, INSTITUTED		Fe	b 12, 2009			
4	STIPULAT	ION FOR AN EXTENSION OF TIME	Ī	Ma	ır 17, 2009			
5	EXTENSIO	ON OF TIME GRANTED		Ma	ır 17, 2009			
6	MOTION T	O AMEND APPLICATION		Ар	r 13, 2009			
7	RESPONS	E DUE 30 DAYS (DUE DATE)		Ар	r 15, 2009	May 15,	2009	
8	WITHDRA	WAL OF OPPOSITION		Ар	r 17, 2009	,		
9	BD'S DEC	ISION: DISMISSED W/ PREJUDICE		Ap	r 20, 2009			
10	TERMINA	ΓED		-	r 20, 2009			
		Ту	pe of Pro	oceeding: (······································	***************************************
Proceedir	ng Number:	91188840			Filing Date: Fe	b 12, 2009		
	Status:	Terminated			Status Date: No	ov 06, 2009		
interlocutor	y Attorney:	ANDREW P BAXLEY						
				Defendant				
Corresponder		Corporacion Industrial Alimenticia, S JEFFREY A. SMITH	6.A. de C.\	<i>I</i> .				
		MILLEN, WHITE, ZELANO & BRAN 2200 CLARENDON BLVD, STE 140 ARLINGTON VA, 22201-3360 UNITED STATES) .				
Associated man	rks							
Mark					Application Status	Serial Number		egistration umber
BALANCE BIO 3	REDUCE				Registered	77268774	426	8438
				Plaintiff(s)	- 1			
	Name:	Balance Bar Company						
Corresponder		SUSAN H. FROHLING BALANCE BAR COMPANY THREE LAKES DRIVE NORTHFIELD IL , 60093 UNITED STATES						
The second secon		trademark@kraft.com						
Associated mar	ks							

Mark

BALANCE

Application StatusSerial NumberRegistration NumberRenewed761944002745850

BALANCE BAF	٦	Section 8 and 15 - Accepted and Acknowledged	78416 ⁻	165 <u>3036771</u>
BALANCE BAF	9E	Registered	770536	353 3/36017
BALANCE GOI		Renewed		
<i>5</i> , 15 11 10 2 00.		Prosecution History	758545	<u>595</u> <u>2636101</u>
Entry Number	History Text	Date	Due Dat	e
1	FILED AND FEE	Feb 12, 2009		
2	NOTICE AND TRIAL DATES SENT; ANSWER		Mar 25, 2	2009
3	PENDING, INSTITUTED	Feb 13, 2009	,	
4	ANSWER	Mar 24, 2009		
5	MOTION TO CONSOLIDATE	Mar 24, 2009		
6	CONSOLIDATION GRANTED	Mar 25, 2009		
7	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 06, 2009		
8	TERMINATED	Nov 06, 2009		
	Туре о	f Proceeding: Extension of Time		
Proceed	ling Number: 76194400	Filing Date: Do	ec 17, 2002	
	Status: Terminated	Status Date: De	ec 17, 2002	
Correspond	Name: Balance Bar Company ent Address: SUSAN H FROHLING KRAFT FOODS HOLDINGS INC THREE LAKES DRIVE NF361	Defendant		
Correspond Associated ma	ent Address: SUSAN H FROHLING KRAFT FOODS HOLDINGS INC THREE LAKES DRIVE NF361 NORTHFIELD ILLINO IS, 60093275			
·	ent Address: SUSAN H FROHLING KRAFT FOODS HOLDINGS INC THREE LAKES DRIVE NF361 NORTHFIELD ILLINO IS, 60093275		Serial Number	Registration Number
Associated ma	ent Address: SUSAN H FROHLING KRAFT FOODS HOLDINGS INC THREE LAKES DRIVE NF361 NORTHFIELD ILLINO IS, 60093275	3	Serial Number 76194400	Number
Associated ma	ent Address: SUSAN H FROHLING KRAFT FOODS HOLDINGS INC THREE LAKES DRIVE NF361 NORTHFIELD ILLINO IS, 60093275	3 Application Status	<u> </u>	
Associated ma	ent Address: SUSAN H FROHLING KRAFT FOODS HOLDINGS INC THREE LAKES DRIVE NF361 NORTHFIELD ILLINO IS, 60093275	3 Application Status Renewed	<u> </u>	Number
Associated ma Mark BALANCE	ent Address: SUSAN H FROHLING KRAFT FOODS HOLDINGS INC THREE LAKES DRIVE NF361 NORTHFIELD ILLINO IS, 60093275 arks	Application Status Renewed Potential Opposer(s)	<u> </u>	Number
Associated ma Mark BALANCE	ent Address: SUSAN H FROHLING KRAFT FOODS HOLDINGS INC THREE LAKES DRIVE NF361 NORTHFIELD ILLINO IS , 60093275 arks Name: Neways, Inc ent Address: John C. Stringham WORKMAN, NYDEGGER & SEELE 1000 Eagle Gate Tower, 60 East Soi Salt Lake City UT , 84111	Application Status Renewed Potential Opposer(s)	<u> </u>	Number
Associated ma Mark BALANCE	ent Address: SUSAN H FROHLING KRAFT FOODS HOLDINGS INC THREE LAKES DRIVE NF361 NORTHFIELD ILLINO IS , 60093275 arks Name: Neways, Inc ent Address: John C. Stringham WORKMAN, NYDEGGER & SEELE 1000 Eagle Gate Tower, 60 East Soi Salt Lake City UT , 84111	Application Status Renewed Potential Opposer(s)	<u> </u>	Number
Associated mand Mark BALANCE Corresponded Entry Number	ent Address: SUSAN H FROHLING KRAFT FOODS HOLDINGS INC THREE LAKES DRIVE NF361 NORTHFIELD ILLINO IS , 60093275 arks Name: Neways, Inc ent Address: John C. Stringham WORKMAN, NYDEGGER & SEELE' 1000 Eagle Gate Tower, 60 East Soi Salt Lake City UT , 84111 UNITED STATES	Application Status Renewed Potential Opposer(s) Ith Temple Prosecution History	<u> </u>	Number 2745850
Associated mandark BALANCE Corresponde Entry Number	ent Address: SUSAN H FROHLING KRAFT FOODS HOLDINGS INC THREE LAKES DRIVE NF361 NORTHFIELD ILLINO IS, 60093275 arks Name: Neways, Inc ent Address: John C. Stringham WORKMAN, NYDEGGER & SEELE 1000 Eagle Gate Tower, 60 East Soi Salt Lake City UT, 84111 UNITED STATES History Text	Application Status Renewed Potential Opposer(s) Ith Temple Prosecution History Date	<u> </u>	Number 2745850
Associated ma Mark BALANCE Corresponde Entry Number	ent Address: SUSAN H FROHLING KRAFT FOODS HOLDINGS INC THREE LAKES DRIVE NF361 NORTHFIELD ILLINO IS , 60093275 arks Name: Neways, Inc ent Address: John C. Stringham WORKMAN, NYDEGGER & SEELE 1000 Eagle Gate Tower, 60 East Sol Salt Lake City UT , 84111 UNITED STATES History Text INCOMING - EXT TIME TO OPPOSE FILED	Application Status Renewed Potential Opposer(s) Ath Temple Prosecution History Date Nov 15, 2002	<u> </u>	Number 2745850
Associated mark Mark BALANCE Corresponde Entry Number	ent Address: SUSAN H FROHLING KRAFT FOODS HOLDINGS INC THREE LAKES DRIVE NF361 NORTHFIELD ILLINO IS , 60093275 arks Name: Neways, Inc ent Address: John C. Stringham WORKMAN, NYDEGGER & SEELE 1000 Eagle Gate Tower, 60 East Soi Salt Lake City UT , 84111 UNITED STATES History Text INCOMING - EXT TIME TO OPPOSE FILED EXTENSION OF TIME GRANTED	Application Status Renewed Potential Opposer(s) (ath Temple Prosecution History Date Nov 15, 2002 Dec 17, 2002	<u> </u>	Number 2745850
Associated mark Mark BALANCE Corresponde Entry Number	ent Address: SUSAN H FROHLING KRAFT FOODS HOLDINGS INC THREE LAKES DRIVE NF361 NORTHFIELD ILLINO IS, 60093275 arks Name: Neways, Inc ent Address: John C. Stringham WORKMAN, NYDEGGER & SEELE 1000 Eagle Gate Tower, 60 East Soi Salt Lake City UT, 84111 UNITED STATES History Text INCOMING - EXT TIME TO OPPOSE FILED EXTENSION OF TIME GRANTED INCOMING - EXT TIME TO OPPOSE FILED	Application Status Renewed Potential Opposer(s) Application Status Renewed Potential Opposer(s) Application Status Renewed Potential Opposer(s)	<u> </u>	Number 2745850
Associated mank Mark BALANCE Corresponde	ent Address: SUSAN H FROHLING KRAFT FOODS HOLDINGS INC THREE LAKES DRIVE NF361 NORTHFIELD ILLINO IS , 60093275 arks Name: Neways, Inc ent Address: John C. Stringham WORKMAN, NYDEGGER & SEELE' 1000 Eagle Gate Tower, 60 East Sot Salt Lake City UT , 84111 UNITED STATES History Text INCOMING - EXT TIME TO OPPOSE FILED EXTENSION OF TIME GRANTED INCOMING - EXT TIME TO OPPOSE FILED EXTENSION OF TIME GRANTED	Application Status Renewed Potential Opposer(s) Ath Temple Prosecution History Date Nov 15, 2002 Dec 17, 2002 Feb 03, 2003 Mar 26, 2003	<u> </u>	Number 2745850
Associated mark Mark BALANCE Corresponde Entry Number	ent Address: SUSAN H FROHLING KRAFT FOODS HOLDINGS INC THREE LAKES DRIVE NF361 NORTHFIELD ILLINO IS , 60093275 arks Name: Neways, Inc ent Address: John C. Stringham WORKMAN, NYDEGGER & SEELE 1000 Eagle Gate Tower, 60 East Soi Salt Lake City UT , 84111 UNITED STATES History Text INCOMING - EXT TIME TO OPPOSE FILED EXTENSION OF TIME GRANTED INCOMING - EXT TIME TO OPPOSE FILED EXTENSION OF TIME GRANTED INCOMING - EXT TIME TO OPPOSE FILED	Application Status Renewed Potential Opposer(s) Application Status Renewed Potential Opposer(s) Application Status Renewed Potential Opposer(s) Application Status Renewed Potential Opposer(s)	<u> </u>	Number 2745850

REQ. TO EXT. TIME TO OPPOSE DENIED Apr 09, 2003 Type of Proceeding: Cancellation

Proceeding Number: 92040810

8

Filing Date: Jul 19, 2002

Status: Terminated

Status Date: Jun 09, 2003

Interlocutory Attorney: JYLL S TAYLOR

Defendant

Name: NEWAYS, INC.

Correspondent Address: JOHN C. STRINGHAM
WORKMAN, NYDEGGER & SKELEY
1000 EAGLE GATE TOWER 60 EAST SOUTH TEMP LE
SALT LAKE CITY UT, 84111

UNITED STATES

Associated marks

Application Status Mark

Serial Number Registration Number

NEWAYS EXTREME BALANCE

Cancelled - Section 18 Plaintiff(s)

75933594

2431508

Name: BALANCE BAR COMPANY

Correspondent Address: JENIFER DEWOLF PAINE PROSKAUER ROSE LLP 1585 BROADWAY NEW YORK, NY 10036

TERMINATED

Asso	ciated	mar	ks

11

Mark		Application Status	Serial Number	Registration Number
BALANCE		Renewed	76194400	2745850
	The state of the s	Prosecution History		
Entry Number	History Text	Date	Due Dat	e
1	FILED AND FEE	Jul 19, 2002		
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 30, 2002	Sep 08,	2002
3	PENDING, INSTI T UTED	Jul 30, 2002		
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Sep 10, 2002		
5	ANSWER & CC	Oct 09, 2002		
6	PL'S ANSWER TO CC	Nov 12, 2002		
7	GRANTED D'S #4; CC TRIAL DATES SET	Dec 04, 2002		
8	D'S SURRENDER OF RN 2,431,508	Apr 02, 2003		
9	BOARD'S DECISION: GRANTED	May 22, 2003		
10	COMM'RS ORDER CANC. REG	Jun 05, 2003		

Jun 09, 2003

EXHIBIT A4

Generated on: This page was generated by TSDR on 2014-08-18 20:44:01 EDT

Mark: BALANCE BAR GOLD

BALANCE BAR GOLD

US Serial Number: 78409022

Application Filing Date: Apr. 27, 2004

US Registration Number: 2999244

Registration Date: Sep. 20, 2005

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Apr. 18, 2011

Publication Date: Jan. 25, 2005

Notice of Allowance Date: Apr. 19, 2005

Mark Information

Mark Literal Elements: BALANCE BAR GOLD

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "BAR"

Related Properties Information

Claimed Ownership of US 2659753

Registrations:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

Brackets [..] indicate deleted goods/services;

Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
 Asterisks *..* identify additional (new) wording in the goods/services.

For: Protein-based, nutrient-dense snack bars

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE Basis: 1(a)

First Use: May 2005

Use in Commerce: May 2005

Basis Information (Case Level)

Filed Use: No Filed ITU: Yes Filed 44D: No Filed 44E: No

Currently Use: Yes Currently ITU: No Currently 44D: No

Amended Use: No Amended ITU: No Amended 44D: No

Amended 44E: No

Filed 66A: No Filed No Basis: No

Currently 44E: No Currently 66A: No Currently No Basis: No

Current Owner(s) Information

Owner Name: Balance Bar Company

Owner Address: Suite 202

115 E. Stevens Avenue Valhalla, NEW YORK 10595

UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lee Grosskreuz Hechtel

Attorney Primary Email | hechtel@nbty.com

Address:

<u>oty.com</u>

Attorney Email Yes
Authorized:

Correspondent

Correspondent Lee Grosskreuz Hechtel

Name/Address: NBTY, Inc.

2100 Smithtown Avenue

Legal Dept.

Ronkonkoma, NEW YORK 11779

UNITED STATES

Phone: 6312187335

Fax: 6312187341

Correspondent e-mail: lhechtel@nbty.com speysekhman@nbty.com

Correspondent e-mail Yes Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 18, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Apr. 18, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Apr. 06, 2011	TEAS SECTION 8 & 15 RECEIVED	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 14, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 14, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 20, 2005	REGISTERED-PRINCIPAL REGISTER	
Aug. 09, 2005	LAW OFFICE REGISTRATION REVIEW COMPLETED	68552
Jul. 22, 2005	ASSIGNED TO LIE	68552
Jul. 20, 2005	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 19, 2005	STATEMENT OF USE PROCESSING COMPLETE	76873
Jul. 06, 2005	USE AMENDMENT FILED	76873
Jul. 06, 2005	TEAS STATEMENT OF USE RECEIVED	
Apr. 19, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 25, 2005	PUBLISHED FOR OPPOSITION	
Jan. 05, 2005	NOTICE OF PUBLICATION	
Nov. 29, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	76539
Nov. 26, 2004	ASSIGNED TO LIE	76539
Nov. 22, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 22, 2004	ASSIGNED TO EXAMINER	69811
May 05, 2004	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Section 8 - Accepted Use:

Affidavit of Section 15 - Accepted Incontestability:

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: TMEG LAW OFFICE 103

Date in Location: Apr. 18, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: Balance Bar Company

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: <u>4414/0199</u>

Date Recorded: Nov. 15, 2010

Legal Entity Type: CORPORATION

Pages: 25

Supporting Documents: assignment-tm-4414-0199.pdf

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

State or Country Where DELAWARE

Organized:

Assignee

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where DELAWARE

Organized:

Address: 452 FIFTH AVENUE

14TH FLOOR

NEW YORK, NEW YORK 10018

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500

MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: <u>4423/0858</u>

Pages: 26

Date Recorded: Dec. 02, 2010

Supporting Documents: assignment-tm-4423-0858.pdf

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assignee

Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where UNITED STATES

Organized:

Address: 281 TRESSER BOULEVARD

4TH FLOOR

STAMFORD, CONNECTICUT 06901

Correspondent

Correspondent Name: JACQUELINE P. SCHEIB

Correspondent Address: 280 TRUMBULL STREET

280 TRUMBULL STREET ROBINSON & COLE LLP

HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456

Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: assignment-tm-4902-0456.pdf

Assignor

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Execution Date: Nov. 14, 2012

Legal Entity Type: LIMITED PARTNERSHIP State or Country Where DELAWARE

Organized:

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 115 E. STEVENS AVENUE

SUITE 202

VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500

MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Pages: 5

Date Recorded: Nov. 26, 2012

Supporting Documents: assignment-tm-4906-0668.pdf

Assignor

Name: WEBSTER BANK, NATIONAL ASSOCIATION

Execution Date: Nov. 26, 2012

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where DELAWARE

Organized:

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: SUITE 202

115 E. STEVENS AVENUE VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: 1633 BROADWAY

NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: 91212477

Filing Date: Sep 14, 2013

Status: Pending

Status Date: Sep 14, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: JOHANNA M WILBERT

QUARLES & BRADY LLP

411 E WISCONSIN AVE, SUITE 2040

MILWAUKEE WI , 53202-4497

UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{\text{tm-dept@quarles.com}}, \underline{\text{johanna.wilbert@quarles.com}}, \underline{\text{david.cross@quarles.com}}, \underline{\text{DRC@quarles.com}}, \underline{\text{marta.levine@quarles.com}}, \underline{\text{a}}$

ndrea.fowler@quarles.com

Associated marks

Mark

Application Status

Serial Number Registration Number

EARTH BALANCE

Opposition Pending

85751520

Plaintiff(s)

Correspondent Address: R GLENN SCHROEDER

SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702

UNITED STATES

Name: Balance Bar Company

 $\textbf{Correspondent e-mail:} \hspace{0.2cm} \underline{docket@schroederlawpc.com,gschroeder@schroederlawpc.com} \\$

Associated marks

. . . .

Mark

Application Status

Serial

Registration

					N. L	
BALANCE GO	i D		Renewed		Number 75854595	Number 2636101
BALANCE			Renewed	•	76194400	<u>2745850</u>
DALANOL					70134400	2743030
BALANCE BAF	R GOLD		Section 8 and 15 - Accepted a Acknowledged		78409022	<u>2999244</u>
BALANCE BAF	R		Section 8 and 15 - Accepted a Acknowledged	nd .	<u>78416165</u>	3036771
BALANCE BAF	RE		Registered		<u>77053653</u>	3436917
BALANCE PUI	RE		Registered		77734900	<u>3760265</u>
BALANCE			Registered		<u>85099089</u>	3937988
BALANCE BAI	R		Registered		<u>85099106</u>	<u>4062171</u>
			Prosecution History	ing. Light		
Entry Number	Histor	y Text	Date			Due Date
1	FILED AN	D FEE	Sep 14, 2013		***************************************	
2	NOTICE A	ND TRIAL DATES SENT; ANSWER I	•			Oct 24, 2013
3	PENDING	, INSTITUTED	Sep 14, 2013			,
4	ANSWER		Oct 10, 2013			
5	STIPULA	ED PROTECTIVE ORDER	Feb 18, 2014			
6	TRIAL DA	TES REMAIN AS SET	Feb 20, 2014			
7	P MOT FO	OR EXT W/ CONSENT	Apr 15, 2014			
8	EXTENSI	ON OF TIME GRANTED	Apr 16, 2014			
9	CORREC	TION TO SCHEDULE	Apr 21, 2014			
10	D EXPER	T DISCLOSURES	Apr 22, 2014			
11	P REBUT	TAL DISCLOSURES	May 27, 2014			
12	D EXPER	T DISCLOSURES	Jun 19, 2014			
13	STIP FOR	INTRO OF EVIDENCE	Aug 06, 2014			
14	TRIAL DA	TES REMAIN AS SET	Aug 14, 2014			
		Тур	e of Proceeding: Opposition			
Proceed	ding Number:	91203829	Filing Da	ate: Feb 14, 2012		
	Status:	Terminated	Status Da	ate: Apr 03, 2014		
interlocut	ory Attorney:	JENNIFER KRISP	-			
	Nama	Doctor pHresh Nutritionals, L.L.C.	Defendant			
Correspond	Maille.	Doctor prirear Numbrials, L.L.C.				
	lent Address:	FARLEY I WEISS AND MARK HIWE	iss			
2530poliu	lent Address:	FARLEY I WEISS AND MARK H WE WEISS MOY PC 4204 N BROWN AVE SCOTTSDALE AZ , 85251 3914 UNITED STATES	ISS			
Correspo	ndent e-mail:	WEISS MOY PC 4204 N BROWN AVE SCOTTSDALE AZ , 85251 3914 UNITED STATES	ISS nelli@weissiplaw.com,fweiss@weissiplav	<i>w.</i> com		
Correspo	ndent e-mail:	WEISS MOY PC 4204 N BROWN AVE SCOTTSDALE AZ , 85251 3914 UNITED STATES		w.com		
Correspo Associated m Mark	ndent e-mail: arks	WEISS MOY PC 4204 N BROWN AVE SCOTTSDALE AZ , 85251 3914 UNITED STATES kmotolenich@weissiplaw.com,gmarin	nelli@weissiplaw.com,fweiss@weissiplav		Serial Number	Registration Number
Correspo Associated m Mark	ndent e-mail: arks	WEISS MOY PC 4204 N BROWN AVE SCOTTSDALE AZ , 85251 3914 UNITED STATES kmotolenich@weissiplaw.com,gmarin	ıelli@weissiplaw.com,fweiss@weissiplav			
Correspo Associated m Mark	ndent e-mail: e rks ANCE	WEISS MOY PC 4204 N BROWN AVE SCOTTSDALE AZ, 85251 3914 UNITED STATES kmotolenich@weissiplaw.com,gmarin	nelli@weissiplaw.com,fweiss@weissiplav		Number	
Correspo Associated m Mark PHRESH BAL/	ndent e-mail: narks ANCE Name:	WEISS MOY PC 4204 N BROWN AVE SCOTTSDALE AZ , 85251 3914 UNITED STATES kmotolenich@weissiplaw.com,gmarin	nelli@weissiplaw.com,fweiss@weissiplan Application Status Abandoned - After Inter-Partes		Number	
Correspo Associated m Mark PHRESH BAL/	ndent e-mail: narks ANCE Name:	WEISS MOY PC 4204 N BROWN AVE SCOTTSDALE AZ, 85251 3914 UNITED STATES kmotolenich@weissiplaw.com,gmarin	nelli@weissiplaw.com,fweiss@weissiplan Application Status Abandoned - After Inter-Partes		Number	
Corresponents Associated mark Mark PHRESH BALA Correspond	ndent e-mail: narks ANCE Name: lent Address:	WEISS MOY PC 4204 N BROWN AVE SCOTTSDALE AZ, 85251 3914 UNITED STATES kmotolenich@weissiplaw.com,gmarin Balance Bar Company R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER ST 605 BABYLON NY, 11702	nelli@weissiplaw.com,fweiss@weissiplan Application Status Abandoned - After Inter-Partes Plaintiff(s)		Number	
Correspond Associated m Mark PHRESH BALA Correspond Correspond	ndent e-mail: narks ANCE Name: lent Address: ndent e-mail:	WEISS MOY PC 4204 N BROWN AVE SCOTTSDALE AZ, 85251 3914 UNITED STATES kmotolenich@weissiplaw.com,gmarin Balance Bar Company R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER ST 605 BABYLON NY, 11702 UNITED STATES	nelli@weissiplaw.com,fweiss@weissiplan Application Status Abandoned - After Inter-Partes Plaintiff(s)		Number	
Corresponents Associated mark Mark PHRESH BALA Correspond	ndent e-mail: narks ANCE Name: lent Address: ndent e-mail:	WEISS MOY PC 4204 N BROWN AVE SCOTTSDALE AZ, 85251 3914 UNITED STATES kmotolenich@weissiplaw.com,gmarin Balance Bar Company R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER ST 605 BABYLON NY, 11702 UNITED STATES	nelli@weissiplaw.com,fweiss@weissiplan Application Status Abandoned - After Inter-Partes Plaintiff(s)		Number	Number

BALANCE	Registered	85099089	3937988
BALANCE BAR	Renewed	75321186	<u>2659753</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	78416165	3036771
BALANCE BAR	Registered	<u>85099106</u>	4062171
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	78409022	2999244
BALANCE BARE	Registered	77053653	<u>3436917</u>
BALANCE GOLD	Renewed	75854595	<u>2636101</u>
BALANCE PURE	Registered	77734900	<u>3760265</u>
BALANCE	Fifth Extension - Granted	85099094	
BALANCE BAR	Fifth Extension - Granted	<u>85099118</u>	
	Prosecution History		
Entry History Text	Date	Due Date	

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 14, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 14, 2012	Mar 25, 2012
3	PENDING, INSTITUTED	Feb 14, 2012	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 16, 2012	
5	EXTENSION OF TIME GRANTED	Mar 16, 2012	
6	STIPULATION FOR AN EXTENSION OF TIME	May 18, 2012	
7	EXTENSION OF TIME GRANTED	May 18, 2012	
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 21, 2012	
9	EXTENSION OF TIME GRANTED	Jul 21, 2012	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2012	
11	EXTENSION OF TIME GRANTED	Aug 15, 2012	
12	STIPULATION FOR AN EXTENSION OF TIME	Oct 12, 2012	
13	EXTENSION OF TIME GRANTED	Oct 12, 2012	
14	STIPULATION FOR AN EXTENSION OF TIME	Dec 14, 2012	
15	EXTENSION OF TIME GRANTED	Dec 14, 2012	
16	NOTICE OF DEFAULT	Apr 08, 2013	
17	D MOT TO SET ASIDE DEFAULT/ACCEPT LATE ANSWER	Apr 23, 2013	
18	PROCEEDINGS RESUMED	May 17, 2013	
19	D MOT FOR EXT W/ CONSENT	Jun 10, 2013	
20	EXTENSION OF TIME GRANTED	Jun 27, 2013	
21	P APPEARANCE / POWER OF ATTORNEY	Aug 12, 2013	
22	P MOT FOR EXT W/ CONSENT	Aug 12, 2013	
23	EXTENSION OF TIME GRANTED	Aug 27, 2013	
24	D MOT FOR EXT W/ CONSENT	Nov 11, 2013	
25	TRIAL DATES REMAIN AS SET	Dec 12, 2013	
26	P RESP TO BD ORDER/INQUIRY	Dec 17, 2013	
27	EXTENSION OF TIME GRANTED	Jan 09, 2014	
28	NOTICE OF DEFAULT	Feb 07, 2014	
29	BD DECISION: SUSTAINED	Apr 03, 2014	
30	TERMINATED	Apr 03, 2014	
	Type of Proceed	ling: Opposition	

Proceeding Number: 91197748

Status: Pending

Interlocutory Attorney: CHERYL S GOODMAN

Filing Date: Dec 07, 2010

Status Date: Dec 07, 2010

Name: GFA Brands, Inc.

Correspondent Address: MARTA S LEVINE

MAH A S LEVINE QUARLES & BRADY LLP 411 EAST WISCONSIN AVE MILWAUKEE WI , 53202 UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{\text{marta.levine@quarles.com}} \text{, } \underline{\text{david.cross@quarles.com}} \text{, } \underline{\text{tm-dept@quarles.com}}$

Associated marks

Serial Registration Mark **Application Status** Number Number SMART BALANCE Opposition Pending 77864268

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702 UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	78409022	2999244
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	3036771
BALANCE BARE	Registered	<u>77053653</u>	3436917
BALANCE	Registered	<u>85099089</u>	3937988
BALANCE BAR	Registered	<u>85099106</u>	4062171

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 07, 2010	*** ***********************************
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 08, 2010	Jan 17, 2011
3	PENDING, INSTITUTED	Dec 08, 2010	,
4	ANSWER	Jan 12, 2011	
5	MOTION TO CONSOLIDATE	Jan 28, 2011	
6	CONSOLIDATED - CHILD OF 91196954	Feb 07, 2011	
7	CHANGE OF CORRESPONDENCE ADDRESS	Oct 06, 2011	
8	APPEARANCE	Nov 17, 2011	
9	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013	

EXHIBIT A5

Generated on: This page was generated by TSDR on 2014-08-18 20:48:15 EDT

Mark: BALANCE BAR

BALANCE BAR

US Serial Number: 78416165

Application Filing Date: May 10, 2004

US Registration Number: 3036771

Registration Date: Dec. 27, 2005

Register: Principal Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Apr. 18, 2011

Publication Date: Jan. 25, 2005 Notice of Allowance Date: Apr. 19, 2005

Mark Information

Mark Literal Elements: BALANCE BAR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "BAR"

Related Properties Information

Claimed Ownership of US 2659753

Registrations:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

Brackets [..] indicate deleted goods/services;

Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Astensks *..* identify additional (new) wording in the goods/services.

For: Protein-based, nutrient-dense snack bars

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE Basis: 1(a)

First Use: Jul. 2005

Use in Commerce: Jul. 2005

Basis Information (Case Level)

Filed Use: No Currently Use: Yes Filed ITU: Yes Currently ITU: No Filed 44D: No Currently 44D: No Filed 44E: No Currently 44E: No Filed 66A: No Currently 66A: No Filed No Basis: No

Amended Use: No Amended ITU: No Amended 44D: No

Amended 44E: No

Current Owner(s) Information

Currently No Basis: No

Owner Name: Balance Bar Company

Owner Address: Suite 202

115 E. Stevens Avenue Valhalla, NEW YORK 10595

UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lee Grosskreuz Hechtel

Attorney Primary Email | hechtel@nbty.com | Address:

Attorney Email Yes

Authorized:

Correspondent

Correspondent Lee Grosskreuz Hechtel
Name/Address: NBTY, Inc.
2100 Smithtown Avenue
Legal Dept.
Ronkonkoma, NEW YORK 11779
UNITED STATES

Correspondent e-mail: lhechtel@nbty.com speysekhman@nbty.com

Phone: 6312187335

Fax: 6312187341

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 18, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Apr. 18, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Apr. 06, 2011	TEAS SECTION 8 & 15 RECEIVED	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 14, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 14, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 27, 2005	REGISTERED-PRINCIPAL REGISTER	
Nov. 12, 2005	LAW OFFICE REGISTRATION REVIEW COMPLETED	68658
Nov. 04, 2005	ASSIGNED TO LIE	68658
Nov. 02, 2005	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 01, 2005	STATEMENT OF USE PROCESSING COMPLETE	71280
Oct. 18, 2005	USE AMENDMENT FILED	71280
Oct. 18, 2005	TEAS STATEMENT OF USE RECEIVED	
Apr. 19, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 25, 2005	PUBLISHED FOR OPPOSITION	
Jan. 05, 2005	NOTICE OF PUBLICATION	
Nov. 29, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	76539
Nov. 26, 2004	ASSIGNED TO LIE	76539
Nov. 22, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 22, 2004	ASSIGNED TO EXAMINER	69811
May 18, 2004	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Section 8 - Accepted Use:

Affidavit of Section 15 - Accepted Incontestability:

TM Staff and Location Information

Current Location: TMEG LAW OFFICE 103 Date in Location: Apr. 18, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: Balance Bar Company

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4414/0199

Date Recorded: Nov. 15, 2010

Supporting Documents: assignment-tm-4414-0199.pdf

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

Assignor

Execution Date: Nov. 15, 2010

Pages: 25

State or Country Where DELAWARE

Organized:

Assignee

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where DELAWARE

Organized:

Address: 452 FIFTH AVENUE

14TH FLOOR

NEW YORK, NEW YORK 10018

Correspondent

Correspondent Name: JEFFREY R. CADWELL Correspondent Address: DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500

MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4423/0858

Date Recorded: Dec. 02, 2010

Supporting Documents: assignment-tm-4423-0858.pdf

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Pages: 26

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assignee

Assignor

Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where UNITED STATES

Organized:

Address: 281 TRESSER BOULEVARD

4TH FLOOR

STAMFORD, CONNECTICUT 06901

Correspondent

Correspondent Name: JACQUELINE P. SCHEIB Correspondent Address: 280 TRUMBULL STREET

ROBINSON & COLE LLP HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456

Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: assignment-tm-4902-0456.pdf

Assignor

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Execution Date: Nov. 14, 2012

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where DELAWARE

Organized:

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE Organized:

Address: 115 E. STEVENS AVENUE

SUITE 202

VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500

MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Pages: 5

Date Recorded: Nov. 26, 2012

Supporting Documents: assignment-tm-4906-0668.pdf

Assignor

Name: WEBSTER BANK, NATIONAL ASSOCIATION Execution Date: Nov. 26, 2012

Legal Entity Type: NATIONAL BANKING ASSOCIATION State or Country Where DELAWARE

Organized:

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION State or Country Where DELAWARE

Organized:

Address: SUITE 202

115 E. STEVENS AVENUE VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: 1633 BROADWAY

NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 7

Type of Proceeding: Opposition

Proceeding Number: 91212477

Filing Date: Sep 14, 2013

Status: Pending

Status Date: Sep 14, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: JOHANNA M WILBERT

QUARLES & BRADY LLP

411 E WISCONSIN AVE, SUITE 2040 MILWAUKEE WI, 53202-4497

UNITED STATES

Correspondent e-mail: tm-dept@quarles.com, johanna.wilbert@quarles.com, david.cross@quarles.com, DRC@quarles.com, marta.levine@quarles.com, a

ndrea.fowler@quarles.com

Associated marks

Mark **Application Status** Serial Number Registration Number

EARTH BALANCE

Opposition Pending

85751520

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER

SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702

UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{docket@schroederlawpc.com, gschroeder@schroederlawpc.com}$

Associated marks

Mark			Application	n Status	Serial Number	Registration Number
BALANCE GO	LD		Renewed		<u>75854595</u>	2636101
BALANCE			Renewed		76194400	2745850
BALANCE BAF	R GOLD		Section 8 a Acknowled	nd 15 - Accepted and ged	78409022	2999244
BALANCE BAF	3		Section 8 a Acknowled	nd 15 - Accepted and ged	<u>78416165</u>	<u>3036771</u>
BALANCE BAF	RE		Registered		77053653	<u>3436917</u>
BALANCE PUF	RE		Registered		77734900	3760265
BALANCE			Registered		85099089	3937988
BALANCE BAF	3		Registered		85099106	4062171
			Prosecut	ion History		
Entry Number	Histo	ry Text		Date		Due Date
1	FILED A	ND FEE		Sep 14, 2013		
2	NOTICE	AND TRIAL DATES SENT; ANSWE	R DUE:	Sep 14, 2013		Oct 24, 2013
3	PENDING	G, INSTITUTED		Sep 14, 2013		001 24, 2010
4	ANSWEF	3		Oct 10, 2013		
5	STIPULA	TED PROTECTIVE ORDER		Feb 18, 2014		
6	TRIAL DA	ATES REMAIN AS SET		Feb 20, 2014		
7	P MOT F	OR EXT W/ CONSENT		Apr 15, 2014		
8	EXTENS	ION OF TIME GRANTED		Apr 16, 2014		
9	CORREC	TION TO SCHEDULE		Apr 21, 2014		
10	D EXPER	RT DISCLOSURES		Apr 22, 2014		
11	P REBUT	TAL DISCLOSURES		May 27, 2014		
12	D EXPER	RT DISCLOSURES		Jun 19, 2014		
13	STIP FOR	R INTRO OF EVIDENCE		Aug 06, 2014		
14	TRIAL DA	ATES REMAIN AS SET		Aug 14, 2014		
		T	pe of Proceed	ling: Opposition		
Proceedi	ing Number:	: <u>91203829</u>		Filing Date: Feb 14, 20)12	
	Status:	: Terminated		Status Date: Apr 03, 20	14	
Interlocuto	ry Attorney:	: JENNIFER KRISP				
	Nama	Destar al Iraah Natatara I. I. O.	Defe	ndant		
Corresponde		: Doctor pHresh Nutritionals, L.L.C. : FARLEY I WEISS AND MARK H W WEISS MOY PC 4204 N BROWN AVE SCOTTSDALE AZ, 85251 3914 UNITED STATES	VEISS			
Correspon	dent e-mail:	kmotolenich@weissiplaw.com,gma	rinelli@weissiplav	v.com,fweiss@weissiplaw.com		
Associated ma	irks					
Mark			Application	Status	Serial Number	Registration Number
PHRESH BALAI	NCE		Abandoned	- After Inter-Partes Decision	<u>85175388</u>	Number
				tiff(s)	<u>55175000</u>	
	Name:	Balance Bar Company				
		R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER ST 605 BABYLON NY , 11702 UNITED STATES				
		docket@schroederlawpc.com,gsch	roeder@schroede	rlawpc.com		
Associated ma	rks					

Application Status

Mark

Serial Number Registration Number

BALANCE	Renewed	<u>76194400</u>	2745850
BALANCE	Registered	<u>85099089</u>	3937988
BALANCE BAR	Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	3036771
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	78409022	2999244
BALANCE BARE	Registered	77053653	<u>3436917</u>
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE PURE	Registered	<u>77734900</u>	<u>3760265</u>
BALANCE	Fifth Extension - Granted	<u>85099094</u>	
BALANCE BAR	Fifth Extension - Granted	<u>85099118</u>	
	Prosecution History		

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 14, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 14, 2012	Mar 25, 2012
3	PENDING, INSTITUTED	Feb 14, 2012	·
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 16, 2012	
5	EXTENSION OF TIME GRANTED	Mar 16, 2012	
6	STIPULATION FOR AN EXTENSION OF TIME	May 18, 2012	
7	EXTENSION OF TIME GRANTED	May 18, 2012	
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 21, 2012	
9	EXTENSION OF TIME GRANTED	Jul 21, 2012	
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2012	
11	EXTENSION OF TIME GRANTED	Aug 15, 2012	
12	STIPULATION FOR AN EXTENSION OF TIME	Oct 12, 2012	
13	EXTENSION OF TIME GRANTED	Oct 12, 2012	
14	STIPULATION FOR AN EXTENSION OF TIME	Dec 14, 2012	
15	EXTENSION OF TIME GRANTED	Dec 14, 2012	
16	NOTICE OF DEFAULT	Apr 08, 2013	
17	D MOT TO SET ASIDE DEFAULT/ACCEPT LATE ANSWER	Apr 23, 2013	
18	PROCEEDINGS RESUMED	May 17, 2013	
19	D MOT FOR EXT W/ CONSENT	Jun 10, 2013	
20	EXTENSION OF TIME GRANTED	Jun 27, 2013	
21	P APPEARANCE / POWER OF ATTORNEY	Aug 12, 2013	
22	P MOT FOR EXT W/ CONSENT	Aug 12, 2013	
23	EXTENSION OF TIME GRANTED	Aug 27, 2013	
24	D MOT FOR EXT W/ CONSENT	Nov 11, 2013	
25	TRIAL DATES REMAIN AS SET	Dec 12, 2013	
26	P RESP TO BD ORDER/INQUIRY	Dec 17, 2013	
27	EXTENSION OF TIME GRANTED	Jan 09, 2014	
28	NOTICE OF DEFAULT	Feb 07, 2014	
29	BD DECISION: SUSTAINED	Apr 03, 2014	
30	TERMINATED	Apr 03, 2014	
	Type of Proceed		

Proceeding Number: 91197748

Status: Pending

Interlocutory Attorney: CHERYL S GOODMAN

Filing Date: Dec 07, 2010

Status Date: Dec 07, 2010

Defendant

Name: GFA Brands, Inc.

Correspondent Address: MARTA S LEVINE

QUARLES & BRADY LLP 411 EAST WISCONSIN AVE MILWAUKEE WI, 53202

UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{\text{marta.levine@quarles.com}}, \underline{\text{david.cross@quarles.com}}, \underline{\text{tm-dept@quarles.com}}$

Associated marks

Mark **Application Status** Serial Number Registration Number

SMART BALANCE

Opposition Pending

77864268

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER

SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702 **UNITED STATES**

 $\textbf{Correspondent e-mail:} \ \, \underline{docket@schroederlawpc.com}, gschroeder@schroederlawpc.com$

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	2745850
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	78409022	2999244
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	3036771
BALANCE BARE	Registered	77053653	<u>3436917</u>
BALANCE	Registered	<u>85099089</u>	3937988
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 07, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 08, 2010	Jan 17, 2011
3	PENDING, INSTITUTED	Dec 08, 2010	·
4	ANSWER	Jan 12, 2011	
5	MOTION TO CONSOLIDATE	Jan 28, 2011	
6	CONSOLIDATED - CHILD OF 91196954	Feb 07, 2011	
7	CHANGE OF CORRESPONDENCE ADDRESS	Oct 06, 2011	
8	APPEARANCE	Nov 17, 2011	
9	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013	

Type of Proceeding: Opposition

Proceeding Number: 91191491

Filing Date: Aug 11, 2009

Status: Terminated

Status Date: Feb 17, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: DSM IP Assets B.V.

Correspondent Address: Duane M. Byers

Nixon & Vanderhye P.C.

901 North Glebe Road, Suite 1100

Arlington VA, 22203 UNITED STATES

 $\textbf{Correspondent e-mail:} \ \ \underline{ nixonptomail@nixonvan.com } \ \ , \ \underline{ dmb@nixonvan.com } \ \underline{ dmb@nixonvan.com } \ \ , \ \underline{ dmb@nixonvan.com } \ \ , \$

Associated marks

Application Status

Serial Number Registration Number

IR CANCELLED; US APPLICATION

PEP2BALANCE

Mark

79053062

ABANDONED

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: David I. Greenbaum

Edwards Angell Palmer & Dodge LLP

FDR StationP.O. Box 130 New York NY, 10150 UNITED STATES

Correspondent e-mail: trademark@eapdlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	76194400	2745850
BALANCE BAR	Renewed	75321186	<u>2</u> 659753
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	78416165	3036771
BALANCE BARE	Registered	77053653	3436917
BALANCE GOLD	Renewed	75854595	2636101

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 11, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 13, 2009	Sep 22, 2009
3	PENDING, INSTITUTED	Aug 13, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Sep 11, 2009	
5	EXTENSION OF TIME GRANTED	Sep 11, 2009	
6	STIPULATION FOR AN EXTENSION OF TIME	Oct 15, 2009	
7	EXTENSION OF TIME GRANTED	Oct 15, 2009	
8	CHANGE OF CORRESPONDENCE ADDRESS	Dec 03, 2009	
9	NOTICE OF DEFAULT	Dec 24, 2009	
10	BOARD'S DECISION: SUSTAINED	Feb 17, 2010	
11	TERMINATED	Feb 17, 2010	

Type of Proceeding: Opposition

Proceeding Number: 91188830

Filing Date: Feb 12, 2009

Status: Terminated

Status Date: Nov 06, 2009

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Corporacion Industrial Alimenticia, S.A. de C.V.

Correspondent Address: JEFFREY A. SMITH

MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD STE 1400

ARLINGTON VA , 22201-3360

UNITED STATES

Correspondent e-mail: Culver@mwzb.com

Associated marks

MarkApplication StatusSerial NumberRegistration NumberBALANCE BIO 3Registered772687674268437

Plaintiff(s)

Name: BALANCE BAR COMPANY

Correspondent Address: TMSU

Morgan Lewis & Bockius LLP 1111 Pennsylvania Avenue NW Washington DC , 20004

UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{\text{trademarks@morganlewis.com}} \text{, } \underline{\text{kbutcher@morganlewis.com}} \text{, } \underline{\text{kbutcher@morganlewis.com}} \text{, } \underline{\text{kaltoft@morganlewis.com}} \text{, } \underline{\text{kaltoft@morganlewis.com}} \text{, } \underline{\text{koutcher@morganlewis.com}} \text{, } \underline{\text{koutcher@morgan$

Associated marks

Mark

Application Status Serial Registration Number Number

BALANCE	F	Renewed	76194400	2745850
BALANCE BAI		Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	3036771
BALANCE BAR	RE F	Registered	77053653	3436917
BALANCE GO		Renewed	<u>75854595</u>	<u>2636101</u>
		Prosecution History		
Entry Number	History Text	Date	Due Date	
1	FILED AND FEE	Feb 12, 2009		
2	NOTICE AND TRIAL DATES SENT; ANSWER D	UE: Feb 12, 2009	Mar 24, 2009	
3	PENDING, INSTITUTED	Feb 12, 2009		
4	ANSWER	Mar 24, 2009		

Mar 24, 2009 5 MOTION TO CONSOLIDATE Mar 24, 2009 CONSOLIDATION GRANTED 6 Mar 25, 2009 7 **APPEARANCE** May 27, 2009 STIP TO SUSPEND PEND SETTLEMENT NEGOTNS 8 Jun 04, 2009 9 SUSPENDED Jun 04, 2009 STIP TO SUSPEND PEND SETTLEMENT NEGOTNS 10 Aug 10, 2009 SUSPENDED 11 Aug 10, 2009 MOTION TO AMEND APPLICATION 12 Oct 30, 2009 RESPONSE DUE 30 DAYS (DUE DATE) 13 Nov 06, 2009 WITHDRAWAL OF OPPOSITION 14 Nov 06, 2009

Dec 06, 2009

Nov 06, 2009 Type of Proceeding: Opposition

Nov 06, 2009

Proceeding Number: 91188832

Filing Date: Feb 12, 2009 Status Date: Apr 20, 2009

Status: Terminated

TERMINATED

Interlocutory Attorney: GEORGE POLOGEORGIS

BD'S DECISION: DISMISSED W/ PREJUDICE

Defendant

Name: PHARMAVITE LLC

Correspondent Address: STANLEY W. SOKOLOFF

BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD 7TH FLOOR

LOS ANGELES CA, 90025-1040

UNITED STATES

 $\textbf{Correspondent e-mail:} \ \underline{\text{tm_filings@bstz.com}} \ , \underline{\text{daniel_russell@bstz.com}} \$

Associated marks

15

16

Mark Serial Registration **Application Status** Number Number **EQUOL BALANCE** Abandoned - No Statement Of Use Filed 77540338

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: Susan H. Frohling BALANCE BAR COMPANY

Three Lakes Drive Northfield IL, 60093 **UNITED STATES**

 $\textbf{Correspondent e-mail:} \ \underline{sfrohling@Kraft.com}$

Mark	Application Obstin	Serial	Registration
And the second of the second	Application Status	Number	Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	3036771
BALANCE BARE	Registered	77053653	3436917
BALANCE GOLD	Renewed	<u>75854595</u>	<u>2636101</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 12, 2009	Mar 24, 2009
3	PENDING, INSTITUTED	Feb 12, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 17, 2009	
5	EXTENSION OF TIME GRANTED	Mar 17, 2009	
6	MOTION TO AMEND APPLICATION	Apr 13, 2009	
7	RESPONSE DUE 30 DAYS (DUE DATE)	Apr 15, 2009	May 15, 2009
8	WITHDRAWAL OF OPPOSITION	Apr 17, 2009	, , ====
9	BD'S DECISION: DISMISSED W/ PREJUDICE	Apr 20, 2009	
10	TERMINATED	Apr 20, 2009	
	Type of Proc	eeding: Opposition	

Type of rioceeding: Opposition

Proceeding Number: 91188840

Status: Terminated

Filing Date: Feb 12, 2009

Status Date: Nov 06, 2009

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Corporacion Industrial Alimenticia, S.A. de C.V.

Correspondent Address: JEFFREY A. SMITH
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD, STE 1400
ARLINGTON VA, 22201-3360
UNITED STATES

Associated marks

Mark	 Application S		Number
BALANCE BIO 3 REDUCE	Registered	77268774	4268438
	Plaintiff(s)		

Name: Balance Bar Company

Correspondent Address: SUSAN H. FROHLING
BALANCE BAR COMPANY
THREE LAKES DRIVE NORTHFIELD IL, 60093 UNITED STATES

Correspondent e-mail: trademark@kraft.com

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	76194400	2745850
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	78416165	3036771
BALANCE BARE	Registered	77053653	3436917
BALANCE GOLD	Renewed	75854595	2636101
	Prosecution History		•
Entry History Text	Data		

Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	The second secon
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 13, 2009	Mar 25, 2009
3	PENDING, INSTITUTED	Feb 13, 2009	•
4	ANSWER	Mar 24, 2009	
5	MOTION TO CONSOLIDATE	Mar 24, 2009	
6	CONSOLIDATION GRANTED	Mar 25, 2009	
7	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 06, 2009	
8	TERMINATED	Nov 06, 2009	

EXHIBIT A6

Generated on: This page was generated by TSDR on 2014-08-18 20:54:29 EDT

Mark: BALANCE BARE

BALANCE BARE

US Serial Number: 77053653

Application Filing Date: Nov. 30, 2006

US Registration Number: 3436917

Registration Date: May 27, 2008

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: May 27, 2008

Publication Date: May 08, 2007

Notice of Allowance Date: Jul. 31, 2007

Mark Information

Mark Literal Elements: BALANCE BARE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

· Brackets [..] indicate deleted goods/services;

Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: Protein based, nutrient-dense snack bars

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE Basis: 1(a)

First Use: Mar. 20, 2007

Use in Commerce: Mar. 20, 2007

For: Grain-based food bars also containing fruits and nuts

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE Basis: 1(a)

First Use: Mar. 20, 2007

Use in Commerce: Mar. 20, 2007

Basis Information (Case Level)

Filed Use: No Currently Use: Yes Filed ITU: Yes Currently ITU: No Filed 44D: No Currently 44D: No Filed 44E: No Currently 44E: No Filed 66A: No Currently 66A: No Filed No Basis: No

Amended Use: No Amended ITU: No Amended 44D: No

Amended 44E: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Balance Bar Company

Owner Address: Suite 202

115 E. Stevens Avenue Valhalla, NEW YORK 10595 UNITED STATES

Legal Entity Type: CORPORATION State or Country Where DELAWARE

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lee Grosskreuz Hechtel

Attorney Primary Email | hechtel@nbty.com Address:

Attorney Email Yes Authorized:

Correspondent

Correspondent Lee Grosskreuz Hechtel

Name/Address: NBTY, Inc. 2100 Smithtown Avenue

Legal Dept.
Ronkonkoma, NEW YORK 11779
UNITED STATES

Phone: 6312187335

Fax: 6312187341

 $\textbf{Correspondent e-mail:} \ \underline{lhechtel@nbty.com} \ \underline{speysekhman@nbty.com}$ Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 14, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 14, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 27, 2008	REGISTERED-PRINCIPAL REGISTER	
Apr. 23, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	70629
Apr. 22, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 31, 2008	STATEMENT OF USE PROCESSING COMPLETE	61813
Mar. 04, 2008	USE AMENDMENT FILED	61813
Mar. 04, 2008	TEAS STATEMENT OF USE RECEIVED	
Feb. 28, 2008	EXTENSION 1 GRANTED	76874
Jan. 31, 2008	EXTENSION 1 FILED	76874
Feb. 26, 2008	EXTENSION RECEIVED WITH TEAS PETITION	
Feb. 26, 2008	PETITION TO REVIVE-GRANTED	88889
Feb. 26, 2008	TEAS PETITION TO REVIVE RECEIVED	
Jul. 31, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
May 23, 2007	ASSIGNED TO EXAMINER	78426
May 08, 2007	PUBLISHED FOR OPPOSITION	
Apr. 18, 2007	NOTICE OF PUBLICATION	
Mar. 10, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	70629
Mar. 10, 2007	ASSIGNED TO LIE	70629
Feb. 12, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 05, 2007	ASSIGNED TO EXAMINER	73358
Dec. 05, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 23, 2008

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: Balance Bar Company

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4414/0199

Pages: 25

Date Recorded: Nov. 15, 2010

Supporting Documents: assignment-tm-4414-0199.pdf

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assignee

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where DELAWARE

Organized:

Address: 452 FIFTH AVENUE

14TH FLOOR

NEW YORK, NEW YORK 10018

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500 MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: <u>4423/0858</u>

Pages: 26

Date Recorded: Dec. 02, 2010

Supporting Documents: assignment-tm-4423-0858.pdf

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assignee

Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where UNITED STATES

Organized:

Address: 281 TRESSER BOULEVARD

4TH FLOOR

STAMFORD, CONNECTICUT 06901

Correspondent

Correspondent Name: JACQUELINE P. SCHEIB
Correspondent Address: 280 TRUMBULL STREET

ROBINSON & COLE LLP HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456

Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: assignment-tm-4902-0456.pdf

Assignor

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Execution Date: Nov. 14, 2012

Legal Entity Type: LIMITED PARTNERSHIP State or Country Where DELAWARE

Organized:

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 115 E. STEVENS AVENUE

SUITE 202

VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500

MINNEAPOLIS, MN 55402-1498

Name: WEBSTER BANK, NATIONAL ASSOCIATION

Domestic Representative - Not Found Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Pages: 5

Date Recorded: Nov. 26, 2012

Supporting Documents: assignment-tm-4906-0668.pdf

Execution Date: Nov. 26, 2012

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where DELAWARE

Organized:

Assignee

Assignor

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: SUITE 202

115 E. STEVENS AVENUE VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: 1633 BROADWAY NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 7

Type of Proceeding: Opposition

Proceeding Number: 91212477

Filing Date: Sep 14, 2013

Status: Pending

Status Date: Sep 14, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: JOHANNA M WILBERT

QUARLES & BRADY LLP

411 E WISCONSIN AVE, SUITE 2040

MILWAUKEE WI , 53202-4497

UNITED STATES

Correspondent e-mail: tm-dept@quarles.com, johanna.wilbert@quarles.com, david.cross@quarles.com, DRC@quarles.com, marta.levine@quarles.com, a

ndrea.fowler@quarles.com

Associated marks

Mark Application Status Serial Number Registration Number

EARTH BALANCE

Opposition Pending

Plaintiff(s)

85751520

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER

SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702

UNITED STATES

 $\textbf{Correspondent e-mail:} \ \ \underline{docket@schroederlawpc.com,gschroeder@schroederlawpc.com}$

Associated marks

Application Status

Serial Number Registration Number

Mark

75854595

BALANCE GOLD

Renewed

2636101

BALANCE Renewed 76194400 2745850 BALANCE BAR GOLD Section 8 and 15 - Accepted and Acknowledged 78409022 2999244 BALANCE BAR Section 8 and 15 - Accepted and Acknowledged 78416165 3036771 BALANCE BARE Registered 77053653 3436917 BALANCE PURIE Registered 77734900 3760265 BALANCE BAR Registered 85099089 3937988 BALANCE BAR Registered 85099106 4062171 Prosecution History Fentry Number Date Due Date 1 Filled AND FEE Sep 14, 2013 Oct 24, 2013 2 NOTICE AND TRIAL DATES SENT; ANSWER DUE: Sep 14, 2013 Oct 24, 2013 3 PENDING, INSTITUTED Sep 14, 2013 Oct 10, 2013 5 STIPULATED PROTECTIVE ORDER Feb 18, 2014
Acknowledged 78409022 2999244 BALANCE BAR Section 8 and 15 - Accepted and Acknowledged 78416165 3036771 BALANCE BARE Registered 77053653 3436917 BALANCE PURE Registered 85099089 3937988 BALANCE BAR Registered 85099089 3937988 BALANCE BAR Registered 85099106 4062171 Prosecution History Entry Number History Text Date Due Date 1 FILED AND FEE Sep 14, 2013 Oct 24, 2013 2 NOTICE AND TRIAL DATES SENT; ANSWER DUE: Sep 14, 2013 Oct 24, 2013 3 PENDING, INSTITUTED Sep 14, 2013 Oct 24, 2013 4 ANSWER Oct 10, 2013 Oct 10, 2013 5 STIPULATED PROTECTIVE ORDER Feb 18, 2014 Feb 18, 2014 6 TRIAL DATES REMAIN AS SET Feb 20, 2014 7 P MOT FOR EXT W. CONSENT Apr 15, 2014 8 EXTENSION OF TIME GRANTED Apr 16, 2014 9 CORRECTIO
Acknowledged 3039771 BALANCE BARE Registered 77053653 3436917 BALANCE PURE Registered 77734900 3760265 BALANCE BAR Registered 85099089 3937988 BALANCE BAR Registered 85099106 4062171 Fintry Number History Text Date Due Date 1 FILED AND FEE Sep 14, 2013 Oct 24, 2013 2 NOTICE AND TRIAL DATES SENT; ANSWER DUE: Sep 14, 2013 Oct 24, 2013 3 PENDING, INSTITUTED Sep 14, 2013 Oct 24, 2013 4 ANSWER Oct 10, 2013 Oct 10, 2013 5 STIPULATED PROTECTIVE ORDER Feb 18, 2014 6 TRIAL DATES REMAIN AS SET Feb 20, 2014 7 P MOT FOR EXT W/ CONSENT Apr 15, 2014 8 EXTENSION OF TIME GRANTED Apr 16, 2014 9 CORRECTION TO SCHEDULE Apr 21, 2014 10 D EXPERT DISCLOSURES Apr 22, 2014
BALANCE PURE Registered 77734900 3760265 BALANCE BAR Registered 85099089 3937988 BALANCE BAR Registered 85099106 4062171 Prosecution History Entry Number History Text Date Due Date 1 FILED AND FEE Sep 14, 2013 Oct 24, 2013 2 NOTICE AND TRIAL DATES SENT; ANSWER DUE: Sep 14, 2013 Oct 24, 2013 3 PENDING, INSTITUTED Sep 14, 2013 Oct 24, 2013 4 ANSWER Oct 10, 2013 Oct 10, 2013 5 STIPULATED PROTECTIVE ORDER Feb 18, 2014 6 TRIAL DATES REMAIN AS SET Feb 20, 2014 7 P MOT FOR EXT W/ CONSENT Apr 15, 2014 8 EXTENSION OF TIME GRANTED Apr 16, 2014 9 CORRECTION TO SCHEDULE Apr 21, 2014 10 D EXPERT DISCLOSURES Apr 22, 2014
BALANCE BAR Registered 85099089 3937988 BALANCE BAR Registered 85099106 4062171 Prosecution History Entry Number History Text Date Due Date 1 FILED AND FEE Sep 14, 2013 Oct 24, 2013 2 NOTICE AND TRIAL DATES SENT; ANSWER DUE: Sep 14, 2013 Oct 24, 2013 3 PENDING, INSTITUTED Sep 14, 2013 Oct 24, 2013 4 ANSWER Oct 10, 2013 Oct 10, 2013 5 STIPULATED PROTECTIVE ORDER Feb 18, 2014 6 TRIAL DATES REMAIN AS SET Feb 20, 2014 7 P MOT FOR EXT W/ CONSENT Apr 15, 2014 8 EXTENSION OF TIME GRANTED Apr 16, 2014 9 CORRECTION TO SCHEDULE Apr 21, 2014 10 D EXPERT DISCLOSURES Apr 22, 2014
Registered 85099106 4062171
Prosecution History Entry Number History Text Date Due Date
Entry Number History Text Date Due Date 1 FILED AND FEE Sep 14, 2013 2 NOTICE AND TRIAL DATES SENT; ANSWER DUE: Sep 14, 2013 3 PENDING, INSTITUTED Sep 14, 2013 4 ANSWER Oct 10, 2013 5 STIPULATED PROTECTIVE ORDER Feb 18, 2014 6 TRIAL DATES REMAIN AS SET Feb 20, 2014 7 P MOT FOR EXT W/ CONSENT Apr 15, 2014 8 EXTENSION OF TIME GRANTED Apr 16, 2014 9 CORRECTION TO SCHEDULE Apr 21, 2014 10 D EXPERT DISCLOSURES Apr 22, 2014
Number History Text Date 1 FILED AND FEE Sep 14, 2013 2 NOTICE AND TRIAL DATES SENT; ANSWER DUE: Sep 14, 2013 3 PENDING, INSTITUTED Sep 14, 2013 4 ANSWER Oct 10, 2013 5 STIPULATED PROTECTIVE ORDER Feb 18, 2014 6 TRIAL DATES REMAIN AS SET Feb 20, 2014 7 P MOT FOR EXT W/ CONSENT Apr 15, 2014 8 EXTENSION OF TIME GRANTED Apr 16, 2014 9 CORRECTION TO SCHEDULE Apr 21, 2014 10 D EXPERT DISCLOSURES Apr 22, 2014
2 NOTICE AND TRIAL DATES SENT; ANSWER DUE: Sep 14, 2013 3 PENDING, INSTITUTED Sep 14, 2013 4 ANSWER Oct 10, 2013 5 STIPULATED PROTECTIVE ORDER Feb 18, 2014 6 TRIAL DATES REMAIN AS SET Feb 20, 2014 7 P MOT FOR EXT W/ CONSENT Apr 15, 2014 8 EXTENSION OF TIME GRANTED Apr 16, 2014 9 CORRECTION TO SCHEDULE Apr 21, 2014 10 D EXPERT DISCLOSURES Apr 22, 2014
3 PENDING, INSTITUTED Sep 14, 2013 4 ANSWER Oct 10, 2013 5 STIPULATED PROTECTIVE ORDER Feb 18, 2014 6 TRIAL DATES REMAIN AS SET Feb 20, 2014 7 P MOT FOR EXT W/ CONSENT Apr 15, 2014 8 EXTENSION OF TIME GRANTED Apr 16, 2014 9 CORRECTION TO SCHEDULE Apr 21, 2014 10 D EXPERT DISCLOSURES Apr 22, 2014
4 ANSWER Oct 10, 2013 5 STIPULATED PROTECTIVE ORDER Feb 18, 2014 6 TRIAL DATES REMAIN AS SET Feb 20, 2014 7 P MOT FOR EXT W/ CONSENT Apr 15, 2014 8 EXTENSION OF TIME GRANTED Apr 16, 2014 9 CORRECTION TO SCHEDULE Apr 21, 2014 10 D EXPERT DISCLOSURES Apr 22, 2014
5 STIPULATED PROTECTIVE ORDER 6 TRIAL DATES REMAIN AS SET Feb 20, 2014 7 P MOT FOR EXT W/ CONSENT Apr 15, 2014 8 EXTENSION OF TIME GRANTED Apr 16, 2014 9 CORRECTION TO SCHEDULE Apr 21, 2014 10 D EXPERT DISCLOSURES Apr 22, 2014
6 TRIAL DATES REMAIN AS SET Feb 20, 2014 7 P MOT FOR EXT W/ CONSENT Apr 15, 2014 8 EXTENSION OF TIME GRANTED Apr 16, 2014 9 CORRECTION TO SCHEDULE Apr 21, 2014 10 D EXPERT DISCLOSURES Apr 22, 2014
7 P MOT FOR EXT W/ CONSENT Apr 15, 2014 8 EXTENSION OF TIME GRANTED Apr 16, 2014 9 CORRECTION TO SCHEDULE Apr 21, 2014 10 D EXPERT DISCLOSURES Apr 22, 2014
8 EXTENSION OF TIME GRANTED Apr 16, 2014 9 CORRECTION TO SCHEDULE Apr 21, 2014 10 D EXPERT DISCLOSURES Apr 22, 2014
9 CORRECTION TO SCHEDULE Apr 21, 2014 10 D EXPERT DISCLOSURES Apr 22, 2014
10 D EXPERT DISCLOSURES Apr 22, 2014
791 ZZ, ZOT4
11 P REBUTTAL DISCLOSURES May 27, 2014
11 Iviay 27, 2014
12 D EXPERT DISCLOSURES Jun 19, 2014
13 STIP FOR INTRO OF EVIDENCE Aug 06, 2014
14 TRIAL DATES REMAIN AS SET Aug 14, 2014
Type of Proceeding: Opposition
Proceeding Number: 91203829 Filing Date: Feb 14, 2012 Status: Terminated Status Date: Apr 03, 2014
Status: Terminated Status Date: Apr 03, 2014 Interiocutory Attorney: JENNIFER KRISP
Defendant
Name: Doctor pHresh Nutritionals, L.L.C.

Correspondent Address: FARLEY I WEISS AND MARK H WEISS WEISS MOY PC
4204 N BROWN AVE
SCOTTSDALE AZ, 85251 3914
UNITED STATES

 $\textbf{Correspondent e-mail:} \ \underline{kmotolenich@weissiplaw.com,gmarinelli@weissiplaw.com,fweiss@weissiplaw.com}$

Associated marks

Mark	Application Status	Serial Number	Registration Number
PHRESH BALANCE	Abandoned - After Inter-Partes Decision	85175388	
	Plaintiff(s)		

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER ST 605 BABYLON NY , 11702 UNITED STATES

 $\textbf{Correspondent e-mail:} \ \ \underline{ docket@schroederlawpc.com, gschroeder@schroederlawpc.com} \\$

Associated marks			
Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	<u>2745850</u>
BALANCE	Registered	<u>85099089</u>	3937988
BALANCE BAR	Renewed	75321186	26597 5 3

BALANCE BAR		Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	3036771	
BALANCE BAR		Registered	<u>85099106</u>	4062171	
		Section 8 and 15 - Accepted and Acknowledged	78409022	2999244	
BALANCE BARE		Registered	77053653	<u>3436917</u>	
BALANCE GOLD		Renewed	75854595	<u>2636101</u>	
BALANCE PURE	:	Registered	77734900	3760265	
BALANCE		Fifth Extension - Granted	<u>85099094</u>		
BALANCE BAR		Fifth Extension - Granted	85099118		
		Prosecution History			
Entry Number	History Text	Date	Due Date		
1	FILED AND FEE	Feb 14, 2012			
2	NOTICE AND TRIAL DATES SENT; ANSWER D	DUE: Feb 14, 2012	Mar 25, 2012		
3	PENDING, INSTITUTED	Feb 14, 2012			
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 16, 2012			
5	EXTENSION OF TIME GRANTED	Mar 16, 2012			
6	STIPULATION FOR AN EXTENSION OF TIME	May 18, 2012			
7	EXTENSION OF TIME GRANTED	May 18, 2012			
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 21, 2012			
9	EXTENSION OF TIME GRANTED	Jul 21, 2012			
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2012			
11	EXTENSION OF TIME GRANTED	Aug 15, 2012			
12	STIPULATION FOR AN EXTENSION OF TIME	Oct 12, 2012			
13	EXTENSION OF TIME GRANTED	Oct 12, 2012			
14	STIPULATION FOR AN EXTENSION OF TIME	Dec 14, 2012			
15	EXTENSION OF TIME GRANTED	Dec 14, 2012			
16	NOTICE OF DEFAULT	Apr 08, 2013			
17	D MOT TO SET ASIDE DEFAULT/ACCEPT LAT	E ANSWER Apr 23, 2013			
18	PROCEEDINGS RESUMED	May 17, 2013			
19	D MOT FOR EXT W/ CONSENT	Jun 10, 2013			
20	EXTENSION OF TIME GRANTED	Jun 27, 2013			
21	P APPEARANCE / POWER OF ATTORNEY	Aug 12, 2013			
22	P MOT FOR EXT W/ CONSENT	Aug 12, 2013			
23	EXTENSION OF TIME GRANTED	Aug 27, 2013			
24	D MOT FOR EXT W/ CONSENT	Nov 11, 2013			
25	TRIAL DATES REMAIN AS SET	Dec 12, 2013			
26	P RESP TO BD ORDER/INQUIRY	Dec 17, 2013			
27	EXTENSION OF TIME GRANTED	Jan 09, 2014			
28	NOTICE OF DEFAULT	Feb 07, 2014			
29	BD DECISION: SUSTAINED	Apr 03, 2014			
30	TERMINATED	Apr 03, 2014			
Type of Proceeding: Opposition					

Proceeding Number: 91197748

Status: Pending

Filing Date: Dec 07, 2010

Status Date: Dec 07, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc. Correspondent Address: MARTA S LEVINE QUARLES & BRADY LLP 411 EAST WISCONSIN AVE MILWAUKEE WI, 53202 UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{\text{marta.levine@quarles.com}} \text{ , } \underline{\text{david.cross@quarles.com}} \text{ , } \underline{\text{tm-dept@quarles.com}}$

Associated marks

Mark

Application Status Number

SMART BALANCE Opposition Pending 77864268

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER

SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702 UNITED STATES

 $\textbf{Correspondent e-mail:} \ \ \underline{ docket@schroederlawpc.com, gschroeder@schroederlawpc.com} \\$

Associated marks

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	76194400	2745850
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	78409022	2999244
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	3436917
BALANCE	Registered	85099089	3937988
BALANCE BAR	Registered	<u>85099106</u>	<u>4062171</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 07, 2010	the control of the terms of the commercial control grounds and a
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 08, 2010	Jan 17, 2011
3	PENDING, INSTITUTED	Dec 08, 2010	·
4	ANSWER	Jan 12, 2011	
5	MOTION TO CONSOLIDATE	Jan 28, 2011	
6	CONSOLIDATED - CHILD OF 91196954	Feb 07, 2011	
7	CHANGE OF CORRESPONDENCE ADDRESS	Oct 06, 2011	
8	APPEARANCE	Nov 17, 2011	
9	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013	

Type of Proceeding: Opposition

Proceeding Number: 91191491

Status: Terminated

Filing Date: Aug 11, 2009 Status Date: Feb 17, 2010

Registration Number

Serial

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: DSM IP Assets B.V.

Correspondent Address: Duane M. Byers Nixon & Vanderhye P.C.

901 North Glebe Road, Suite 1100

Arlington VA , 22203 UNITED STATES

Correspondent e-mail: nixonptomail@nixonvan.com, dmb@nixonvan.com

Associated marks

Serial Registration Mark **Application Status** Number Number

IR CANCELLED; US APPLICATION PEP2BALANCE

79053062

ABANDONED

Plaintiff(s)

Name: Balance Bar Company Correspondent Address: David I. Greenbaum

Edwards Angell Palmer & Dodge LLP

FDR StationP.O. Box 130 New York NY , 10150 UNITED STATES

Correspondent e-mail: trademark@eapdlaw.com

Associated marks

5

6

7

8

9

10

11

Mark	CONT. 19. (MANAGEMENT OF THE OPEN THE CONT.	Application Status	Serial Number	Registration Number
BALANCE	F	Renewed	<u>76194400</u>	2745850
BALANCE BAF	R	Renewed	<u>75321186</u>	2659753
BALANCE BAF	•	ection 8 and 15 - Accepted and cknowledged	<u>78416165</u>	3036771
BALANCE BAF	RE R	Registered	<u>77053653</u>	3436917
BALANCE GO	-D R	lenewed	<u>75854595</u>	2636101
	선생님은 교육하는 그들이 살아.	Prosecution History		
Entry Number	History Text	Date	Due Date	
1	FILED AND FEE	Aug 11, 2009	e de la compania del compania de la compania del compania de la compania del compania de la compania de la compania de la compania del compania de la compania de la compania de la compania de la compania del compania	
2	NOTICE AND TRIAL DATES SENT; ANSWER DU	JE: Aug 13, 2009	Sep 22, 2009	
3	PENDING, INSTITUTED	Aug 13, 2009	, , , , , , , , , , , , , , , , , , , ,	
4	STIPULATION FOR AN EXTENSION OF TIME	Sep 11, 2009		
_				

Type of Proceeding: Opposition

Proceeding Number: 91188830

TERMINATED

Status: Terminated

NOTICE OF DEFAULT

Interlocutory Attorney: ANDREW P BAXLEY

EXTENSION OF TIME GRANTED

EXTENSION OF TIME GRANTED

BOARD'S DECISION: SUSTAINED

STIPULATION FOR AN EXTENSION OF TIME

CHANGE OF CORRESPONDENCE ADDRESS

Filing Date: Feb 12, 2009 Status Date: Nov 06, 2009

Sep 11, 2009

Oct 15, 2009

Oct 15, 2009

Dec 03, 2009

Dec 24, 2009

Feb 17, 2010

Feb 17, 2010

Defendant

Name: Corporacion Industrial Alimenticia, S.A. de C.V.

Correspondent Address: JEFFREY A. SMITH

MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD STE 1400 ARLINGTON VA , 22201-3360

UNITED STATES

Correspondent e-mail: Culver@mwzb.com

Associated marks

MarkApplication StatusSerial NumberRegistration NumberBALANCE BIO 3Registered772687674268437

Plaintiff(s)

Name: BALANCE BAR COMPANY

Correspondent Address: TMSU

Morgan Lewis & Bockius LLP 1111 Pennsylvania Avenue NW Washington DC , 20004 UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{\text{trademarks@morganlewis.com}} \text{ , } \underline{\text{kbutcher@morganlewis.com}} \text{ , } \underline{\text{kbutcher@morganlewis.com}} \text{ , } \underline{\text{kaltoff@morganlewis.com}} \text{ } \underline{\text{koutcher@morganlewis.com}} \text{ } \underline{\text{koutcher@morganlewis.com}}$

Associated marks

MarkApplication StatusSerial NumberRegistration NumberBALANCERenewed761944002745850BALANCE BARSection 8 and 15 - Accepted and Acknowledged784161653036771

BALANCE BAR	iE	Registered	77053653	3/36017
BALANCE GOL		Renewed	77053653	3436917
		Prosecution History	<u>75854595</u>	<u>2636101</u>
Entry Number	History Text	Date	Due Date	
1	FILED AND FEE	Feb 12, 2009		
2	NOTICE AND TRIAL DATES SENT; ANSWER		Mar 24 2000	
3	PENDING, INSTITUTED	Feb 12, 2009	Mar 24, 2009	
4	ANSWER	Mar 24, 2009		
5	MOTION TO CONSOLIDATE	Mar 24, 2009		
6	CONSOLIDATION GRANTED	Mar 25, 2009		
7	APPEARANCE	May 27, 2009		
8	STIP TO SUSPEND PEND SETTLEMENT NEG	-		
9	SUSPENDED	Jun 04, 2009		
10	STIP TO SUSPEND PEND SETTLEMENT NEG			
11	SUSPENDED	Aug 10, 2009 Aug 10, 2009		
12	MOTION TO AMEND APPLICATION	Aug 10, 2009 Oct 30, 2009		
13	RESPONSE DUE 30 DAYS (DUE DATE)		Da- 00 0000	
14	WITHDRAWAL OF OPPOSITION	Nov 06, 2009	Dec 06, 2009	
15	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 06, 2009		
16	TERMINATED	Nov 06, 2009		
10		Nov 06, 2009 e of Proceeding: Opposition		
Proceedi	ng Number: 91188832	Filing Date: Feb 12, 200	9	
	Status: Terminated	Status Date: Apr 20, 2009		
Interlocutor	ry Attorney: GEORGE POLOGEORGIS			
		Defendant		
	Name: PHARMAVITE LLC			
Corresponde	Correspondent Address: STANLEY W. SOKOLOFF BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD 7TH FLOOR LOS ANGELES CA, 90025-1040 UNITED STATES			
	UNITED STATES			
Correspond	dent e-mail: tm_filings@bstz.com, daniel_russell	@bstz.com		
Correspond Associated mai	dent e-mail: tm_filings@bstz.com, daniel_russelle	@bstz.com		
	dent e-mail: tm_filings@bstz.com, daniel_russelle	<u>@bstz.com</u> Application Status	Serial Number	Registration
Associated ma	dent e-mail: tm_filings@bstz.com , daniel_russell- rks	Application Status	Number	Registration Number
Associated man	dent e-mail: tm_filings@bstz.com, daniel_russell- rks			
Associated man Mark EQUOL BALANC	dent e-mail: tm_filings@bstz.com, daniel_russell- rks	Application Status Abandoned - No Statement Of Use Filed	Number	
Associated man Mark EQUOL BALANG	dent e-mail: tm_filings@bstz.com, daniel_russell: rks	Application Status Abandoned - No Statement Of Use Filed	Number	
Associated man Mark EQUOL BALANC Corresponden	ce transfer of the filings@bstz.com, daniel russeller rks Name: Balance Bar Company nt Address: Susan H. Frohling BALANCE BAR COMPANY Three Lakes Drive Northfield IL, 60093	Application Status Abandoned - No Statement Of Use Filed	Number	
Associated man Mark EQUOL BALANC Corresponden	ce Name: Balance Bar Company nt Address: Susan H. Frohling BALANCE BAR COMPANY Three Lakes Drive Northfield IL , 60093 UNITED STATES dent e-mail: strohling@Kraft.com	Application Status Abandoned - No Statement Of Use Filed	Number	
Associated man Mark EQUOL BALANC Corresponded Corresponded	ce Name: Balance Bar Company nt Address: Susan H. Frohling BALANCE BAR COMPANY Three Lakes Drive Northfield IL , 60093 UNITED STATES dent e-mail: strohling@Kraft.com	Application Status Abandoned - No Statement Of Use Filed	Number 77540338 Serial	Number Registration
Mark EQUOL BALANC Corresponder Corresponder Associated mark	ce Name: Balance Bar Company nt Address: Susan H. Frohling BALANCE BAR COMPANY Three Lakes Drive Northfield IL , 60093 UNITED STATES dent e-mail: sfrohling@Kraft.com	Application Status Abandoned - No Statement Of Use Filed Plaintiff(s)	Number 77540338	Number
Associated man	ce Name: Balance Bar Company nt Address: Susan H. Frohling BALANCE BAR COMPANY Three Lakes Drive Northfield IL , 60093 UNITED STATES dent e-mail: sfrohling@Kraft.com	Application Status Abandoned - No Statement Of Use Filed Plaintiff(s) Application Status	Number 77540338 Serial Number	Number Registration Number
Associated man Mark EQUOL BALANC Corresponder Corresponder Associated man Mark BALANCE	ce Name: Balance Bar Company nt Address: Susan H. Frohling BALANCE BAR COMPANY Three Lakes Drive Northfield IL , 60093 UNITED STATES dent e-mail: strohling@Kraft.com rks	Application Status Abandoned - No Statement Of Use Filed Plaintiff(s) Application Status Renewed Section 8 and 15 - Accepted and	Number 77540338 Serial Number 76194400 78416165	Registration Number 2745850 3036771
Associated man Mark EQUOL BALANC Corresponder Corresponder Associated man Mark BALANCE BALANCE BAR	rks CE Name: Balance Bar Company nt Address: Susan H. Frohling BALANCE BAR COMPANY Three Lakes Drive Northfield IL , 60093 UNITED STATES dent e-mail: strohling@Kraft.com rks	Application Status Abandoned - No Statement Of Use Filed Plaintiff(s) Application Status Renewed Section 8 and 15 - Accepted and Acknowledged	Number 77540338 Serial Number 76194400	Registration Number 2745850 3036771 3436917
Associated man Mark EQUOL BALANC Corresponder Correspond Associated man Mark BALANCE BALANCE BAR BALANCE BARE	rks CE Name: Balance Bar Company nt Address: Susan H. Frohling BALANCE BAR COMPANY Three Lakes Drive Northfield IL , 60093 UNITED STATES dent e-mail: strohling@Kraft.com rks	Application Status Abandoned - No Statement Of Use Filed Plaintiff(s) Application Status Renewed Section 8 and 15 - Accepted and Acknowledged Registered	Number 77540338 Serial Number 76194400 78416165 77053653	Registration Number 2745850 3036771

Feb 12, 2009

FILED AND FEE

1

	Type of Proceeding: Opposition					
10	TERMINATED	Apr 20, 2009				
9	BD'S DECISION: DISMISSED W/ PREJUDICE	Apr 20, 2009				
8	WITHDRAWAL OF OPPOSITION	Apr 17, 2009				
7	RESPONSE DUE 30 DAYS (DUE DATE)	Apr 15, 2009	May 15, 2009			
6	MOTION TO AMEND APPLICATION	Apr 13, 2009				
5	EXTENSION OF TIME GRANTED	Mar 17, 2009				
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 17, 2009				
3	PENDING, INSTITUTED	Feb 12, 2009				
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 12, 2009	Mar 24, 2009			

Proceeding Number: 91188840

Filing Date: Feb 12, 2009 Status: Terminated Status Date: Nov 06, 2009

Interiocutory Attorney: ANDREW P BAXLEY

Defendant

Correspondent Address: JEFFREY A. SMITH
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD, STE 1400
ARLINGTON VA, 22201-3360
UNITED STATES

Name: Corporacion Industrial Alimenticia, S.A. de C.V.

Associated marks

Mark Registration **Application Status** Serial Number Number **BALANCE BIO 3 REDUCE** Registered 77268774 4268438

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: SUSAN H. FROHLING

BALANCE BAR COMPANY THREE LAKES DRIVE NORTHFIELD IL, 60093 UNITED STATES

Correspondent e-mail: trademark@kraft.com

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	76194400	2745850
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	<u>77053653</u>	3436917
BALANCE GOLD	Renewed	75854595	2636101
	Prosecution History		34 - 1,5 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 12, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 13, 2009	Mar 25, 2009
3	PENDING, INSTITUTED	Feb 13, 2009	•
4	ANSWER	Mar 24, 2009	
5	MOTION TO CONSOLIDATE	Mar 24, 2009	
6	CONSOLIDATION GRANTED	Mar 25, 2009	
7	BD'S DECISION: DISMISSED W/ PREJUDICE	Nov 06, 2009	
8	TERMINATED	Nov 06, 2009	

EXHIBIT A7

Generated on: This page was generated by TSDR on 2014-08-18 20:56:59 EDT

Mark: BALANCE PURE

BALANCE PURE

US Serial Number: 77734900

Application Filing Date: May 12, 2009

US Registration Number: 3760265

Registration Date: Mar. 16, 2010

us Registration Number: 3760265

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 16, 2010

Publication Date: Dec. 29, 2009

Mark Information

Mark Literal Elements: BALANCE PURE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

Brackets [..] indicate deleted goods/services;

• Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks *..* identify additional (new) wording in the goods/services.

For: PROTEIN-BASED NUTRIENT DENSE SNACK BARS

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE Basis: 1(a)

First Use: Mar. 31, 2008

Use in Commerce: Mar. 31, 2008

For: CEREAL BASED SNACK BARS

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 31, 2008

Use in Commerce: Mar. 31, 2008

Basis Information (Case Level)

Filed Use: Yes
Filed ITU: No
Filed 44D: No
Filed 44E: No

Currently Use: Yes
Currently ITU: No
Currently 44D: No

Amended Use: No
Amended ITU: No
Amended 44D: No

Filed 44E: No Filed 66A: No

Filed No Basis: No

Currently 44E: No Currently 66A: No Amended 44E: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: BALANCE BAR COMPANY

Owner Address: Suite 202

115 E. Stevens Avenue Valhalla, NEW YORK 10595

UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Attorney/Correspondence Information

Attorney Name: Lee Grosskreuz Hechtel

Address:

Attorney Email Yes Authorized:

Correspondent

Correspondent Lee Grosskreuz Hechtel

Name/Address: NBTY, Inc. 2100 Smithtown Avenue

Legal Dept.

Ronkonkoma, NEW YORK 11779

UNITED STATES

Phone: 6312187335

Fax: 6312187341

Correspondent e-mail: lhechtel@nbty.com speysekhman@nbty.com

Correspondent e-mail Yes Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	and the second s
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 16, 2010	REGISTERED-PRINCIPAL REGISTER	
Dec. 29, 2009	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 29, 2009	PUBLISHED FOR OPPOSITION	
Dec. 14, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 14, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 24, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Nov. 20, 2009	ASSIGNED TO LIE	70468
Nov. 04, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 02, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 30, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 30, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 11, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 11, 2009	NON-FINAL ACTION E-MAILED	6325
Aug. 11, 2009	NON-FINAL ACTION WRITTEN	82087
Aug. 05, 2009	ASSIGNED TO EXAMINER	82087
May 15, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 15, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 16, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: BALANCE BAR COMPANY

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4414/0199 Date Recorded: Nov. 15, 2010

Pages: 25

Supporting Documents: assignment-tm-4414-0199.pdf

Assignor

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

Execution Date: Nov. 15, 2010

State or Country Where DELAWARE

Organized:

Assignee

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where DELAWARE

Organized:

Address: 452 FIFTH AVENUE

14TH FLOOR

NEW YORK, NEW YORK 10018

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500

MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4423/0858

Pages: 26

Date Recorded: Dec. 02, 2010

Supporting Documents: assignment-tm-4423-0858.pdf

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assignee

Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where UNITED STATES

Organized:

Address: 281 TRESSER BOULEVARD

4TH FLOOR

STAMFORD, CONNECTICUT 06901

Correspondent

Correspondent Name: JACQUELINE P. SCHEIB

Correspondent Address: 280 TRUMBULL STREET

ROBINSON & COLE LLP

HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456

Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: assignment-tm-4902-0456.pdf

Assignor

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Execution Date: Nov. 14, 2012

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where DELAWARE

Organized:

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 115 E. STEVENS AVENUE

SUITE 202

VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500

MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Date Recorded: Nov. 26, 2012

Supporting Documents: assignment-tm-4906-0668.pdf

Name: WEBSTER BANK, NATIONAL ASSOCIATION

Execution Date: Nov. 26, 2012

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where DELAWARE

Pages: 5

Organized:

Assignee

Assignor

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: SUITE 202

115 E. STEVENS AVENUE VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: 1633 BROADWAY

NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91212477

Filing Date: Sep 14, 2013

Status: Pending

Status Date: Sep 14, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: JOHANNA M WILBERT

QUARLES & BRADY LLP 411 E WISCONSIN AVE, SUITE 2040

MILWAUKEE WI , 53202-4497

UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{ \text{tm-dept@quarles.com}}, \underline{ \text{pohanna.wilbert@quarles.com}}, \underline{ \text{david.cross@quarles.com}}, \underline{ \text{DRC@quarles.com}}, \underline{ \text{marta.levine@quarles.com}}, \underline{ \text{ndrea.fowler@quarles.com}}, \underline{ \text{ndrea.fowler@quarles.com}}, \underline{ \text{david.cross@quarles.com}}, \underline{ \text{david.cross@quarles.com}},$

Associated marks

Mark Serial Registration **Application Status** Number Number

EARTH BALANCE

Opposition Pending Plaintiff(s)

85751520

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER

SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702 **UNITED STATES**

 $\textbf{Correspondent e-mail:} \ \underline{docket@schroederlawpc.com,gschroeder@schroederlawpc.com}$

Mark	Application Status	Serial Number	Registration Number
BALANCE GOLD	Renewed	75854595	2636101
BALANCE	Renewed	76194400	2745850
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	78409022	2999244
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	77053653	3436917

BALANCE PUR	RE Regi:	stered	77734900	<u>3760265</u>
BALANCE	Regis	stered	<u>85099089</u>	3937988
BALANCE BAF	Regis	stered	<u>85099106</u>	4062171
	하시면 하는 사람들은 사람들이 됐다.	rosecution History		
Entry Number	History Text	Date		Due Date
1	FILED AND FEE	Sep 14, 2013		
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 14, 2013	•	Oct 24, 2013
3	PENDING, INSTITUTED	Sep 14, 2013		,
4	ANSWER	Oct 10, 2013		
5	STIPULATED PROTECTIVE ORDER	Feb 18, 2014		
6	TRIAL DATES REMAIN AS SET	Feb 20, 2014		
7	P MOT FOR EXT W/ CONSENT	Apr 15, 2014		
8	EXTENSION OF TIME GRANTED	Apr 16, 2014		
9	CORRECTION TO SCHEDULE	Apr 21, 2014		
10	D EXPERT DISCLOSURES	Apr 22, 2014		
11	P REBUTTAL DISCLOSURES	May 27, 2014		
12	D EXPERT DISCLOSURES	Jun 19, 2014		
13	STIP FOR INTRO OF EVIDENCE	Aug 06, 2014		
14	TRIAL DATES REMAIN AS SET	Aug 14, 2014		
	Type of F	Proceeding: Opposition		
Proceed	ing Number: 91203829	Filing Date: Feb 1	14, 2012	

Interlocutory Attorney: JENNIFER KRISP

Status: Terminated

Defendant

Status Date: Apr 03, 2014

Name: Doctor pHresh Nutritionals, L.L.C.

Correspondent Address: FARLEY I WEISS AND MARK H WEISS WEISS MOY PC
4204 N BROWN AVE
SCOTTSDALE AZ, 85251 3914
UNITED STATES

 $\textbf{Correspondent e-mail:} \ \underline{\text{kmotolenich@weissiplaw.com,gmarinelli@weissiplaw.com,fweiss@weissiplaw.com}}$

Associated marks

DALANCE DUDE

Mark	Application Status	Serial Number	Registration Number
PHRESH BALANCE	Abandoned - After Inter-Partes Decision	<u>85175388</u>	
	Plaintiff(s)		

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER ST 605 BABYLON NY , 11702 UNITED STATES

 $\textbf{Correspondent e-mail:} \hspace{0.1in} \underline{ \hspace{0.1in} docket@schroederlawpc.com, gschroeder@schroederlawpc.com} \\$

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	76194400	2745850
BALANCE	Registered	85099089	3937988
BALANCE BAR	Renewed	<u>75321186</u>	2659753
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BAR	Registered	85099106	4062171
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	78409022	2999244
BALANCE BARE	Registered	77053653	3436917

BALANCE GO	LD F	Renewed	<u>75854595</u>	2636101
BALANCE PUR	RE F	Registered	77734900	3760265
BALANCE	F	Fifth Extension - Granted	85099094	
BALANCE BAF	F F	Fifth Extension - Granted	<u>85099118</u>	
		Prosecution History		
Entry Number	History Text	Date	Due Date	
1	FILED AND FEE	Feb 14, 2012		*** ***********
2	NOTICE AND TRIAL DATES SENT; ANSWER D	UE: Feb 14, 2012	Mar 25, 2012	
3	PENDING, INSTITUTED	Feb 14, 2012		
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 16, 2012		
5	EXTENSION OF TIME GRANTED	Mar 16, 2012		
6	STIPULATION FOR AN EXTENSION OF TIME	May 18, 2012		
7	EXTENSION OF TIME GRANTED	May 18, 2012		
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 21, 2012		
9	EXTENSION OF TIME GRANTED	Jul 21, 2012		
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2012		
11	EXTENSION OF TIME GRANTED	Aug 15, 2012		
12	STIPULATION FOR AN EXTENSION OF TIME	Oct 12, 2012		
13	EXTENSION OF TIME GRANTED	Oct 12, 2012		
14	STIPULATION FOR AN EXTENSION OF TIME	Dec 14, 2012		
15	EXTENSION OF TIME GRANTED	Dec 14, 2012		
16	NOTICE OF DEFAULT	Apr 08, 2013		
17	D MOT TO SET ASIDE DEFAULT/ACCEPT LATE	•		
18	PROCEEDINGS RESUMED	May 17, 2013		
19	D MOT FOR EXT W/ CONSENT	Jun 10, 2013		
20	EXTENSION OF TIME GRANTED	Jun 27, 2013		
21	P APPEARANCE / POWER OF ATTORNEY	Aug 12, 2013		
22	P MOT FOR EXT W/ CONSENT	Aug 12, 2013		
23	EXTENSION OF TIME GRANTED	Aug 27, 2013		
24	D MOT FOR EXT W/ CONSENT	Nov 11, 2013		
25	TRIAL DATES REMAIN AS SET	Dec 12, 2013		
26	P RESP TO BD ORDER/INQUIRY	Dec 17, 2013		
27	EXTENSION OF TIME GRANTED	Jan 09, 2014		
20	NOTICE OF DEEALILT	-, · ·		

Feb 07, 2014

Apr 03, 2014

Apr 03, 2014

NOTICE OF DEFAULT

TERMINATED

BD DECISION: SUSTAINED

28

29

30

EXHIBIT A8

Generated on: This page was generated by TSDR on 2014-08-18 21:08:32 EDT

Mark: BALANCE

BALANCE

US Serial Number: 85099089

Application Filing Date: Aug. 03, 2010

US Registration Number: 3937988

Registration Date: Mar. 29, 2011

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due. Status Date: Mar. 29, 2011

Publication Date: Jan. 11, 2011

Mark Information

Mark Literal Elements: BALANCE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US 2636101, 2745850, 2868192

Registrations:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

Brackets [..] indicate deleted goods/services;

Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
 Asterisks *..* identify additional (new) wording in the goods/services.

For: Nutritional supplements; dietary food supplements

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE Basis: 1(a)

First Use: 1992

Use in Commerce: 1992

For: Cereal-based, rice-based, or granola-based snack bars and snack foods

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: 1992

Use in Commerce: 1992

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No Filed No Basis: No

Currently 66A: No Currently No Basis: No

Amended 44E: No

Current Owner(s) Information

Owner Name: Balance Bar Company

Owner Address: Suite 202

115 E. Stevens Avenue Valhalla, NEW YORK 10595

UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lee Grosskreuz Hechtel

Attorney Primary Email | hechtel@nbty.com

Address:

Attorney Email Yes

Authorized:

Correspondent

Correspondent Lee Grosskreuz Hechtel Name/Address: NBTY, Inc.

2100 Smithtown Avenue

Legal Dept.
Ronkonkoma, NEW YORK 11779
UNITED STATES

Phone: 6312187335

Fax: 6312187341

Correspondent e-mail: lhechtel@nbty.com speysekhman@nbty.com

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 29, 2011	REGISTERED-PRINCIPAL REGISTER	
Jan. 11, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 11, 2011	PUBLISHED FOR OPPOSITION	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 06, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Dec. 04, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 30, 2010	EXAMINER'S AMENDMENT ENTERED	77312
Nov. 30, 2010	ASSIGNED TO LIE	77312
Nov. 30, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Nov. 30, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 30, 2010	EXAMINERS AMENDMENT -WRITTEN	81111
Nov. 17, 2010	ASSIGNED TO EXAMINER	81111
Aug. 06, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 06, 2010	NEW APPLICATION ENTERED IN TRAM	
	TRACLER III Y.O	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 29, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: Balance Bar Company

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4414/0199 Date Recorded: Nov. 15, 2010

Pages: 25

Supporting Documents: assignment-tm-4414-0199.pdf

Assignor

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

Execution Date: Nov. 15, 2010

State or Country Where DELAWARE

Organized:

Assignee

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where DELAWARE

Organized:

Address: 452 FIFTH AVENUE

14TH FLOOR

NEW YORK, NEW YORK 10018

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500

MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4423/0858

Pages: 26

Date Recorded: Dec. 02, 2010

Supporting Documents: assignment-tm-4423-0858.pdf

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assignee

Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where UNITED STATES

Organized:

Address: 281 TRESSER BOULEVARD

4TH FLOOR

STAMFORD, CONNECTICUT 06901

Correspondent

Correspondent Name: JACQUELINE P. SCHEIB

Correspondent Address: 280 TRUMBULL STREET

ROBINSON & COLE LLP HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456

Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: assignment-tm-4902-0456.pdf

Assignor

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Execution Date: Nov. 14, 2012

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where DELAWARE

Organized:

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE Organized:

Address: 115 E. STEVENS AVENUE

SUITE 202

VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500 MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Date Recorded: Nov. 26, 2012

Supporting Documents: assignment-tm-4906-0668.pdf

Assignor

Name: WEBSTER BANK, NATIONAL ASSOCIATION

Execution Date: Nov. 26, 2012

Pages: 5

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where DELAWARE

Organized:

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: SUITE 202

115 E. STEVENS AVENUE VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: CLARK W. LACKERT Correspondent Address: 1633 BROADWAY

NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 5

Type of Proceeding: Opposition

Proceeding Number: 91212477

Filing Date: Sep 14, 2013

Status: Pending

Status Date: Sep 14, 2013

Interiocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: JOHANNA M WILBERT

QUARLES & BRADY LLP 411 E WISCONSIN AVE, SUITE 2040 MILWAUKEE WI, 53202-4497

UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{\text{tm-dept@quarles.com}} \text{ , } \underline{\text{johanna.wilbert@quarles.com}} \text{ , } \underline{\text{david.cross@quarles.com}} \text{ , } \underline{\text{DRC@quarles.com}} \text{ , } \underline{\text{marta.levine@quarles.com}} \text{ , } \underline{\text{marta.levine@quarles.com}} \text{ , } \underline{\text{marta.levine@quarles.com}} \text{ .} \underline{\text{marta.levine@quarles.$

ndrea.fowler@quarles.com

Associated marks

Mark **Application Status** Serial Number Registration Number

EARTH BALANCE

Opposition Pending

85751520

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER

SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702 **UNITED STATES**

 $\textbf{Correspondent e-mail:} \ \ \underline{ docket@schroederlawpc.com, gschroeder@schroederlawpc.com} \\$

Mark	Application Status	Serial Number	Registration Number
BALANCE GOLD	Renewed	75854595	263610 1
BALANCE	Renewed	76194400	2745850
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	78409022	2999244
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	77053653	3436917
BALANCE PURE	Registered	77734900	3760265

BALANCE		Registered	85099089	3937988
BALANCE BAI	R Harris Region (1984)	Registered	85099106	4062171
Entry	님, 교육이 있는 생기가 불어 없는 것.	Prosecution History		
Entry Number	History Text	Date		Due Date
1	FILED AND FEE	Sep 14, 2013		
2	NOTICE AND TRIAL DATES SENT; ANSWER	· · · · · · · · · · · · · · · · · · ·		Oct 24, 2013
3	PENDING, INSTITUTED	Sep 14, 2013		OU. 24, 2010
4	ANSWER	Oct 10, 2013		
5	STIPULATED PROTECTIVE ORDER	Feb 18, 2014		
6	TRIAL DATES REMAIN AS SET	Feb 20, 2014		
7	P MOT FOR EXT W/ CONSENT	Apr 15, 2014		
8	EXTENSION OF TIME GRANTED	Apr 16, 2014		
9	CORRECTION TO SCHEDULE	Apr 21, 2014		
10	D EXPERT DISCLOSURES	Apr 22, 2014		
11	P REBUTTAL DISCLOSURES	May 27, 2014		
12	D EXPERT DISCLOSURES	Jun 19, 2014		
13	STIP FOR INTRO OF EVIDENCE	Aug 06, 2014		
14	TRIAL DATES REMAIN AS SET	Aug 14, 2014		
		pe of Proceeding: Opposition		
Proceed	ing Number: 91203829	Filing Date: Feb 14, 2012		
	Status: Terminated ory Attorney: JENNIFER KRISP	Status Date: Apr 03, 2014		
Corresponde	Name: Doctor pHresh Nutritionals, L.L.C. ent Address: FARLEY I WEISS AND MARK H W WEISS MOY PC 4204 N BROWN AVE SCOTTSDALE AZ, 85251 3914 UNITED STATES	EISS		
Correspon	dent e-mail: kmotolenich@weissiplaw.com,gmar	rinelll@weissiplaw.com,tweiss@weissiplaw.com		
Associated ma	irks A - A - A - A - A - A - A - A - A - A			
Mark		Application Status	Serial Number	Registration Number
PHRESH BALA	NCE	Abandoned - After Inter-Partes Decision	<u>85175388</u>	
	en de la companya de Companya de la companya de la compa	Plaintiff(s)		
Corresponde	Name: Balance Bar Company ont Address: R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER ST 605 BABYLON NY, 11702 UNITED STATES			
Correspon	dent e-mail: docket@schroederlawpc.com,gschr	oeder@schroederlawpc.com		
Associated ma				
Mark		Application Status	Serial Number	Registration Number
BALANCE		Renewed	76194400	2745850
BALANCE		Registered	<u>85099089</u>	<u>3937988</u>
BALANCE BAR		Renewed	<u>75321186</u>	<u>2659753</u>
BALANCE BAR		Section 8 and 15 - Accepted and Acknowledged	78416165	3036771

Registered

Registered

Renewed

Acknowledged

Section 8 and 15 - Accepted and

<u>85099106</u>

78409022

77053653

<u>75854595</u>

<u>4062171</u>

<u>2999244</u>

3436917

<u>2636101</u>

BALANCE BAR

BALANCE BARE

BALANCE GOLD

BALANCE BAR GOLD

BALANCE PURE	Ē	ŀ	Registered			77724000	270000
BALANCE				on - Granted		77734900	<u>3760265</u>
BALANCE BAR				on - Granted		<u>85099094</u>	
			Prosecution			<u>85099118</u>	
Entry Number	Histo	ory Text		Date		Due Date	
1	FILED A	ND FEE		Feb 14, 2012			
2	NOTICE	AND TRIAL DATES SENT; ANSWER D	UE:	Feb 14, 2012		Mar 25, 2012	
3	PENDIN	G, INSTITUTED		Feb 14, 2012		Wai 25, 2012	
4	STIPULA	ATION FOR AN EXTENSION OF TIME		Mar 16, 2012			
5	EXTENS	ION OF TIME GRANTED		Mar 16, 2012			
6	STIPULA	TION FOR AN EXTENSION OF TIME		May 18, 2012			
7	EXTENS	ION OF TIME GRANTED		May 18, 2012			
8	STIPULA	TION FOR AN EXTENSION OF TIME		Jul 21, 2012			
9	EXTENS	ION OF TIME GRANTED		Jul 21, 2012			
10	STIPULA	TION FOR AN EXTENSION OF TIME		Aug 15, 2012			
11	EXTENS	ION OF TIME GRANTED		Aug 15, 2012			
12	STIPULA	TION FOR AN EXTENSION OF TIME		Oct 12, 2012			
13	EXTENS	ION OF TIME GRANTED		Oct 12, 2012			
14	STIPULA	TION FOR AN EXTENSION OF TIME		Dec 14, 2012			
15	EXTENS	ON OF TIME GRANTED		Dec 14, 2012			
16	NOTICE (OF DEFAULT		Apr 08, 2013			
17	D MOT T	O SET ASIDE DEFAULT/ACCEPT LATE	ANSWER	Apr 23, 2013			
18	PROCEE	DINGS RESUMED		May 17, 2013			
19	D MOT F	OR EXT W/ CONSENT		Jun 10, 2013			
20	EXTENSI	ON OF TIME GRANTED		Jun 27, 2013			
21	P APPEA	RANCE / POWER OF ATTORNEY		Aug 12, 2013			
22	P MOT FO	OR EXT W/ CONSENT		Aug 12, 2013			
23	EXTENSI	ON OF TIME GRANTED		Aug 27, 2013			
24	D MOT F	OR EXT W/ CONSENT		Nov 11, 2013			
25	TRIAL DA	TES REMAIN AS SET		Dec 12, 2013			
26	P RESP T	O BD ORDER/INQUIRY		Dec 17, 2013			
27	EXTENSI	ON OF TIME GRANTED		Jan 09, 2014			
28	NOTICE (OF DEFAULT		Feb 07, 2014			
29	BD DECIS	SION: SUSTAINED		Apr 03, 2014			
30	TERMINA	TED		Apr 03, 2014			
				g: Opposition			
Proceeding		······································		Filing Date: De	ec 07, 2010		
Interlocutors		Pending		Status Date: De	ec 07, 2010		
		CHERYL S GOODMAN	Defend	ant			
		GFA Brands, Inc.	Detetio	ant			
Correspondent		MARTA S LEVINE					
		QUARLES & BRADY LLP 411 EAST WISCONSIN AVE MILWAUKEE WI , 53202					
Corresponde	nt e-mail·	UNITED STATES marta.levine@quarles.com, david.cross	Mauarlan as	tm dont@gus-le-			
		, david.cross	- Squanes.com	, an-deptwquaries.com			

MarkApplication StatusSerial NumberRegistration NumberSMART BALANCEOpposition Pending77864268Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER

SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702 UNITED STATES

 $\textbf{Correspondent e-mail:} \ \ \underline{ docket@schroederlawpc.com, gschroeder@schroederlawpc.com} \\$

Associated marks

the first the control of the control	,我们就是一个大大的,我就是一个人的,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们就是一个人的,我们就是一个人		and the second second
Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	76194400	2745850
BALANCE BAR GOLD	Section 8 and 15 - Accepted and Acknowledged	78409022	2999244
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>
BALANCE BARE	Registered	77053653	3436917
BALANCE	Registered	85099089	3937988
BALANCE BAR	Registered	85099106	4062171
	Procession Linters		

Prosecution History

History Text	Date	Due Date
FILED AND FEE	Dec 07, 2010	
NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 08, 2010	Jan 17, 2011
PENDING, INSTITUTED	Dec 08, 2010	
ANSWER	Jan 12, 2011	
MOTION TO CONSOLIDATE	Jan 28, 2011	
CONSOLIDATED - CHILD OF 91196954	Feb 07, 2011	
CHANGE OF CORRESPONDENCE ADDRESS	Oct 06, 2011	
APPEARANCE	Nov 17, 2011	
P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013	
	FILED AND FEE NOTICE AND TRIAL DATES SENT; ANSWER DUE: PENDING, INSTITUTED ANSWER MOTION TO CONSOLIDATE CONSOLIDATED - CHILD OF 91196954 CHANGE OF CORRESPONDENCE ADDRESS APPEARANCE P APPEARANCE / POWER OF ATTORNEY	FILED AND FEE Dec 07, 2010 NOTICE AND TRIAL DATES SENT; ANSWER DUE: Dec 08, 2010 PENDING, INSTITUTED Dec 08, 2010 ANSWER Jan 12, 2011 MOTION TO CONSOLIDATE Jan 28, 2011 CONSOLIDATED - CHILD OF 91196954 Feb 07, 2011 CHANGE OF CORRESPONDENCE ADDRESS Oct 06, 2011 APPEARANCE Nov 17, 2011

Type of Proceeding: Opposition

Proceeding Number: 91197149

Status: Terminated

Filing Date: Oct 25, 2010

Status Date: Mar 24, 2011

Interlocutory Attorney: CHERYL A BUTLER

Defendant

Name: Lighterlife UK Limited

Correspondent Address: JEFFREY H GREGER

LOWE HAUPTMAN & BERNER LLP 1700 DIAGONAL RD STE 300 ALEXANDRIA VA , 22314-2866 UNITED STATES

Correspondent e-mail: jhgreger@ipfirm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LIGHTER LIFE IN BALANCE	Registered	78816226	<u>3953476</u>

Plaintiff(s)

Name: Balance Bar Company Correspondent Address: DAVID I GREENBAUM

EDWARDS ANGELL PALMER & DODGE LLP PO BOX 130 FDR STATION

NEW YORK NY , 10150-0130 UNITED STATES

Correspondent e-mail: dgreenbaum@eapdlaw.com

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	76194400	
BALANCE BAR	Renewed	75321186	2659753

BALANCE GO	LD		Renewed	7585459	 5 '	2636101
BALANCE			Registered	8509908		
		Prose	cution History	0000000	<u></u>	3937988
Entry Number	Histo	ry Text	Date		Due Date	
1	FILED A	ND FEE	Oct 25, 2010		· · · · · · · · · ·	
2	NOTICE	AND TRIAL DATES SENT; ANSWER DUE:	Oct 28, 2010	D	07. 004	•
3		G, INSTITUTED	Oct 28, 2010	U	ec 07, 201	U
4	STIPULA	ATION FOR AN EXTENSION OF TIME	Dec 06, 2010			
5		ION OF TIME GRANTED	Dec 06, 2010			
6	STIPULA	TION FOR AN EXTENSION OF TIME				
7		ION OF TIME GRANTED	Jan 05, 2011			
8		SUSPEND PEND SETTLEMENT NEGOTNS	Jan 05, 2011			
9	SUSPEN		Feb 04, 2011			
10		TO AMEND APPLICATION	Feb 04, 2011			
11		AWAL OF OPPOSITION	Mar 07, 2011			
12		CISION: DISMISSED W/O PREJUDICE	Mar 07, 2011			
13	TERMINA		Mar 24, 2011			
			Mar 24, 2011 reding: Opposition			
Proceedi	ng Number:	91196954	Filing Date:	Oct 15, 2010		
		Pending	Status Date:			
Interlocutor	y Attorney:	CHERYL S GOODMAN	Status Bate.	Out 13, 2010		
		De la companya de la	efendant			
		GFA Brands, Inc.				
Corresponde	nt Address:	DAVID R CROSS QUARLES BRADY LLP 411 EAST WISCONSIN AVENUE, SUITE 2350 MILWAUKEE WI , 53202 4497 UNITED STATES				
Correspond	fent e-mail:	marta.levine@quarles.com , david.cross@quarless.com	.com, tm-dept@quarles.com, ic	hanna.wilbert@q	uarles.com , ar	ndrea.fowler@quark
Associated mar	ks					
Mark		Application	on Status		Serial	Registration
SMART BALANC	E	Opposition	n Pendina		Number 77864206	Number
			nintiff(s)		77004200	
	Name:	Balance Bar Company	• •			
Corresponder	t Address:	R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY , 11702 UNITED STATES				
Correspond	ent e mail.	docket@schrooderlawse new market at the				

 $\textbf{Correspondent e-mail:} \quad \underline{\texttt{docket@schroederlawpc.com}}, \underline{\texttt{gschroeder@schroederlawpc.com}}$

Mark		Application Status	Serial Number	Registration Number
BALANCE		Renewed	76194400	2745850
BALANCE BAR		Renewed	75321186	2659753
BALANCE GOL	0	Renewed	75854595	2636101
BALANCE		Registered	85099089	3937988
	Prose	cution History		: .
Entry Number	History Text	Date	Due Da	te
1	FILED AND FEE	Oct 15, 2010		
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 15, 2010	Nov 24,	2010
3	PENDING, INSTITUTED	Oct 15, 2010	1100 24,	2010

4	ANSWER	
5		Nov 24, 2010
6	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS SUSPENDED	
		Dec 23, 2010
7	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jan 12, 2011
8	D MOT TO CONSOLIDATE	Jan 28, 2011
9	CONSOLIDATED - PARENT/TRIAL DATES RESET	Feb 07, 2011
10	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	
11	SUSPENDED	Mar 02, 2011
12	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	
13	EXTENSION OF TIME GRANTED	Aug 17, 2011
14	P CHANGE OF CORRESP ADDRESS	Oct 06, 2011
15	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	
16	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Oct 31, 2011
17	SUSPENDED	Nov 15, 2011
18	APPEARANCE	Nov 17, 2011
19	BOARD'S ORDER	Nov 26, 2011
20	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 19, 2011
21	SUSPENDED	Dec 23, 2011
22	STIPULATED PROTECTIVE ORDER	Jun 14, 2012
23	STIPULATION NOTED AND APPROVED	Jul 09, 2012
24	DF'S DISCLOSURE OF EXPERT PHILIP JOHNSON	Jul 19, 2012
25	P MOT FOR EXT W/ CONSENT	Jul 27, 2012
26	EXTENSION OF TIME GRANTED	Aug 08, 2012
27	PLAINTIFF'S MOTION	Aug 17, 2012
28	DECLARATION OF NORMAN J. MATAR	Sep 04, 2012
29	DECLARATION OF DAVID R. CROSS	Sep 04, 2012
30	D'S OPPOSITION/RESPONSE TO MOTION	Sep 04, 2012
31	P'S OPPOSITION/RESPONSE TO MOTION	Sep 17, 2012
32	TRIAL DATES RESET	Oct 16, 2012
33	P DISCLOSURE OF EXPERT JACOB JACOBY	Nov 30, 2012
34	D MOT TO COMPEL DISCOVERY	Jan 07, 2013
35	D MOT TO COMPEL DISCOVERY	Jan 07, 2013
36	D'S DECLARATION OF WILBERT SUPPORT COMPEL	Jan 07, 2013
37	D'S EXHIBIT A TO DECL OF WILBERT	·
38	D'S EXHIBIT A OF DECL OF WILBERT	Jan 07, 2013
39	D'S EXHIBIT B OF DECL OF WILBERT	Jan 07, 2013
40	D'S EXHIBIT C OF DECL OF WILBERT	Jan 07, 2013
41	D'S EXHIBIT D OF DECL OF WILBERT	Jan 07, 2013
42	D'S EXHIBIT E OF DECL OF WILBERT	Jan 07, 2013
43	D'S EXHIBIT F OF DECL OF WILBERT	Jan 07, 2013
44	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Jan 07, 2013
45	BMOT FOR EVELVY CONCENT	Jan 14, 2013
45 46	EVTENDION OF TIME OR ANTED	Jan 28, 2013
	DMOT FOR EVT WILLOWS	Jan 30, 2013
47 48	EVERYON OF THE OR WEST	Feb 08, 2013
48		Feb 14, 2013
49	EVIENDION OF THE OBANTED	Feb 21, 2013
50	D ODD/DESD TO MOTION	Feb 26, 2013
51		Mar 28, 2013
52	P DECLARATION OF HECHTEL	Mar 28, 2013

F 0	D DECLARATION OF THE PARTY OF T	
53	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
54	P DECLARATION OF JAMES RYERSON	Mar 28, 2013
55	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
56 	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
57	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
58	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
59	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
60	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
61	D REPLY IN SUPPORT OF MOTION	Apr 12, 2013
62	PROCEEDINGS RESUMED	Aug 05, 2013
63	P APPEARANCE / POWER OF ATTORNEY	Aug 06, 2013
64	P MOT FOR EXT W/ CONSENT	Aug 23, 2013
65	EXTENSION OF TIME GRANTED	Aug 29, 2013
66	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
67	P MOT TO AMEND PLEADING/AMENDED PLEADING	Oct 18, 2013
68	D OPP/RESP TO MOTION	Nov 04, 2013
69	D OPP/RESP TO MOTION	Nov 04, 2013
70	D OPP/RESP TO MOTION	Nov 04, 2013
71	D OPP/RESP TO MOTION	Nov 04, 2013
72	D OPP/RESP TO MOTION	Nov 04, 2013
73	D OPP/RESP TO MOTION	Nov 04, 2013
74	D OPP/RESP TO MOTION	Nov 04, 2013
75	D OPP/RESP TO MOTION	Nov 04, 2013
76	D OPP/RESP TO MOTION	Nov 04, 2013
77	D OPP/RESP TO MOTION	Nov 04, 2013
78	D OPP/RESP TO MOTION	Nov 04, 2013
79	D OPP/RESP TO MOTION	Nov 04, 2013
80	D OPP/RESP TO MOTION	Nov 04, 2013
81	D OPP/RESP TO MOTION	Nov 04, 2013
82	D OPP/RESP TO MOTION	Nov 04, 2013
83	D OPP/RESP TO MOTION	Nov 04, 2013
84	D OPP/RESP TO MOTION	Nov 04, 2013
85	D OPP/RESP TO MOTION	Nov 04, 2013
86	D OPP/RESP TO MOTION	Nov 04, 2013
87	D OPP/RESP TO MOTION	Nov 04, 2013
88	D OPP/RESP TO MOTION	Nov 04, 2013
89	D OPP/RESP TO MOTION	Nov 04, 2013
90	SUSP PEND DISP OF OUTSTNDNG MOT	·
91	P REPLY IN SUPPORT OF MOTION	Nov 06, 2013
92	PROCEEDINGS RESUMED	Nov 25, 2013
93	P NOTICE OF RELIANCE	Feb 25, 2014
94	P NOTICE OF RELIANCE	May 27, 2014
95	P NOTICE OF RELIANCE	May 27, 2014
96	P NOTICE OF RELIANCE	May 27, 2014
97	P NOTICE OF RELIANCE	May 27, 2014
98	P NOTICE OF RELIANCE	May 27, 2014
99	P NOTICE OF RELIANCE	May 27, 2014
100	STIP REGARDING TEST EVIDENCE	May 27, 2014
		Jul 28, 2014

101	D TESTIMONY	Jul 28, 2014
102	D TESTIMONY	Jul 28, 2014
103	D TESTIMONY	Jul 28, 2014
104	D NOTICE OF RELIANCE	Jul 28, 2014
105	D NOTICE OF RELIANCE	Jul 28, 2014
106	D NOTICE OF RELIANCE	Jul 28, 2014
107	D NOTICE OF RELIANCE	Jul 28, 2014
108	D NOTICE OF RELIANCE	Jul 28, 2014
109	D NOTICE OF RELIANCE	Jul 28, 2014
110	D NOTICE OF RELIANCE	Jul 28, 2014
111	D NOTICE OF RELIANCE	Jul 28, 2014
112	D NOTICE OF RELIANCE	Jul 28, 2014

EXHIBIT A9

Generated on: This page was generated by TSDR on 2014-08-18 21:10:59 EDT

Mark: BALANCE BAR

BALANCE BAR

US Serial Number: 85099106

Application Filing Date: Aug. 03, 2010

US Registration Number: 4062171

Registration Date: Nov. 29, 2011

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Nov. 29, 2011 Publication Date: Sep. 13, 2011

Mark Information

Mark Literal Elements: BALANCE BAR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "BAR"

Related Properties Information

Claimed Ownership of US 2659753, 2999244, 3004988 and others

Registrations:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

· Brackets [..] indicate deleted goods/services;

Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

Asterisks "..." identity additional (new) wording in the goods/services.

For: Cereal-derived, rice-based and granola-based snack bars

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE Basis: 1(a)

First Use: Jul. 30, 1999

Use in Commerce: Jul. 30, 1999

Basis Information (Case Level)

Filed Use: Yes Filed ITU: No Filed 44D: No Filed 44E: No

Currently Use: Yes Currently ITU: No Currently 44D: No

Amended Use: No Amended ITU: No Amended 44D: No Amended 44E: No

Filed 66A: No Filed No Basis: No

Currently 44E: No Currently 66A: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Balance Bar Company

Owner Address: Suite 202

115 E. Stevens Avenue Valhalla, NEW YORK 10595

UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lee Grosskreuz Hechtel

Attorney Primary Email | Ihechtel@nbty.com Address:

Attorney Email Yes Authorized:

Correspondent

Correspondent Lee Grosskreuz Hechtel Name/Address: NBTY, Inc.

2100 Smithtown Avenue Legal Dept.

Ronkonkoma, NEW YORK 11779 UNITED STATES

Correspondent e-mail: lhechtel@nbty.com speysekhman@nbty.com

Phone: 6312187335

Fax: 6312187341

Correspondent e-mail Yes

Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 12, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 12, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 31, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
May 31, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 29, 2011	REGISTERED-PRINCIPAL REGISTER	
Sep. 13, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 13, 2011	PUBLISHED FOR OPPOSITION	
Aug. 09, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Aug. 08, 2011	ASSIGNED TO LIE	67287
Jul. 27, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 07, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 07, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 07, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 26, 2011	NOTIFICATION OF PRIORITY ACTION E-MAILED	6326
May 26, 2011	PRIORITY ACTION E-MAILED	6326
May 26, 2011	PRIORITY ACTION WRITTEN	81111
May 03, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 03, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 03, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 17, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 17, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 17, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 17, 2010	NON-FINAL ACTION E-MAILED	6325
Nov. 17, 2010	NON-FINAL ACTION WRITTEN	81111
Nov. 17, 2010	ASSIGNED TO EXAMINER	81111
Aug. 06, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 06, 2010	NEW APPLICATION ENTERED IN TRAM	
	TM Ctoff and I and I was to I after the	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 29, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: Balance Bar Company

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4414/0199

Pages: 25

Date Recorded: Nov. 15, 2010

Supporting Documents: assignment-tm-4414-0199.pdf

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assignee

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where DELAWARE

Organized:

Address: 452 FIFTH AVENUE

14TH FLOOR

NEW YORK, NEW YORK 10018

Correspondent

Correspondent Name: JEFFREY R. CADWELL

Correspondent Address: DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500 MINNEAPOLIS, MN 55402-1498

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: 4423/0858

Pages: 26

Date Recorded: Dec. 02, 2010

Supporting Documents: assignment-tm-4423-0858.pdf

Assignor

Name: BALANCE BAR COMPANY

Execution Date: Nov. 15, 2010

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Assignee

Name: WEBSTER BANK, NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where UNITED STATES

Organized:

Address: 281 TRESSER BOULEVARD

4TH FLOOR

STAMFORD, CONNECTICUT 06901

Correspondent

Correspondent Name: JACQUELINE P. SCHEIB

Correspondent Address: 280 TRUMBULL STREET

ROBINSON & COLE LLP HARTFORD, CT 06103

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4902/0456

Pages: 5

Date Recorded: Nov. 16, 2012

Supporting Documents: assignment-tm-4902-0456.pdf

Assignor

Name: HSBC MEZZANINE PARTNERS USA, L.P.

Execution Date: Nov. 14, 2012

Legal Entity Type: LIMITED PARTNERSHIP State or Country Where DELAWARE

Organized:

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE

Organized:

Address: 115 E. STEVENS AVENUE

SUITE 202

VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: JEFFREY R. CADWELL Correspondent Address: DORSEY & WHITNEY LLP

50 SOUTH SIXTH STREET, SUITE 1500 MINNEAPOLIS, MN 55402-1498

> **Domestic Representative - Not Found** Assignment 4 of 4

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4906/0668

Date Recorded: Nov. 26, 2012

Supporting Documents: assignment-tm-4906-0668.pdf

Assignor

Name: WEBSTER BANK, NATIONAL ASSOCIATION

Execution Date: Nov. 26, 2012

Pages: 5

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where DELAWARE

Organized:

Assignee

Name: BALANCE BAR COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE Organized:

Address: SUITE 202

115 E. STEVENS AVENUE VALHALLA, NEW YORK 10595

Correspondent

Correspondent Name: CLARK W. LACKERT Correspondent Address: 1633 BROADWAY

NEW YORK, NY 10019-6708

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: 91212477

Filing Date: Sep 14, 2013

Status: Pending

Status Date: Sep 14, 2013

Interiocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: JOHANNA M WILBERT

QUARLES & BRADY LLP 411 E WISCONSIN AVE, SUITE 2040

MILWAUKEE WI, 53202-4497

UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{\text{tm-dept@quarles.com}} \text{, } \underline{\text{johanna.wilbert@quarles.com}} \text{, } \underline{\text{david.cross@quarles.com}} \text{, } \underline{\text{DRC@quarles.com}} \text{, } \underline{\text{marta.levine@quarles.com}} \text{, } \underline{\text{marta.levine@quarles.com}}$

ndrea.fowler@quarles.com

Associated marks

Serial Registration Mark **Application Status** Number Number

EARTH BALANCE Opposition Pending

85751520

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER

SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY, 11702 UNITED STATES

 $\textbf{Correspondent e-mail:} \hspace{0.1in} \underline{docket@schroederlawpc.com,gschroeder@schroederlawpc.com} \\$

Associated marks

Serial Mark Registration **Application Status** Number Number BALANCE GOLD Renewed 75854595 2636101 BALANCE Renewed 76194400 2745850 Section 8 and 15 - Accepted and BALANCE BAR GOLD 78409022 2999244

		Acknowledged			
BALANCE BAR		Section 8 and 15 - Accepted and Acknowledged	78416165	3036771	
BALANCE BAR	E	Registered	77053653	3436917	
BALANCE PUR	E	Registered	77734900	3760265	
BALANCE		Registered	85099089	3937988	
BALANCE BAR		Registered	85099106	4062171	
		Prosecution History			
Entry Number	History Text	Date		Due Date	
1	FILED AND FEE	Sep 14, 2013			
2	NOTICE AND TRIAL DATES SENT; ANSWER D			Oct 24, 2013	
3	PENDING, INSTITUTED	Sep 14, 2013		00.24, 2010	
4	ANSWER	Oct 10, 2013			
5	STIPULATED PROTECTIVE ORDER	Feb 18, 2014			
6	TRIAL DATES REMAIN AS SET	Feb 20, 2014			
7	P MOT FOR EXT W/ CONSENT	Apr 15, 2014			
8	EXTENSION OF TIME GRANTED	Apr 16, 2014			
9	CORRECTION TO SCHEDULE	Apr 21, 2014			
10	D EXPERT DISCLOSURES	Apr 22, 2014			
11	P REBUTTAL DISCLOSURES	May 27, 2014			
12	D EXPERT DISCLOSURES	Jun 19, 2014			
13	STIP FOR INTRO OF EVIDENCE	Aug 06, 2014			
14	TRIAL DATES REMAIN AS SET	Aug 14, 2014			
Type of Proceeding: Opposition					
Proceeding Number: 91203829		Filing Date: Feb 14, 2012			
ludaula a · · · ·	Status: Terminated	Status Date: Apr 03, 2014			
interiocutor	Interlocutory Attorney: JENNIFER KRISP				

. ULMMI LITANIOF

Defendant

Name: Doctor pHresh Nutritionals, L.L.C.

Correspondent Address: FARLEY I WEISS AND MARK H WEISS

WEISS MOY PC 4204 N BROWN AVE SCOTTSDALE AZ, 85251 3914

UNITED STATES

Correspondent e-mail: kmotolenich@weissiplaw.com,gmarinelli@weissiplaw.com,fweiss@weissiplaw.com

Associated marks

MarkApplication StatusSerial NumberRegistration NumberPHRESH BALANCEAbandoned - After Inter-Partes Decision85175388

Plaintiff(s)

Name: Balance Bar Company

Correspondent Address: R GLENN SCHROEDER

SCHROEDER LAW PC 110 COOPER ST 605 BABYLON NY, 11702 UNITED STATES

 $\textbf{Correspondent e-mail:} \ \ \underline{\textbf{docket@schroederlawpc.com}, gschroeder@schroederlawpc.com}$

Mark	Application Status	Serial Number	Registration Number
BALANCE	Renewed	<u>76194400</u>	2745850
BALANCE	Registered	85099089	3937988
BALANCE BAR	Renewed	<u>75321186</u>	2659753
BALANCE BAR	Section 8 and 15 - Accepted and Acknowledged	<u>78416165</u>	<u>3036771</u>

BALANCE BAF	3	Registered	<u>85099106</u>	<u>4062171</u>
BALANCE BAF		Section 8 and 15 - Accepted and Acknowledged	78409022	2999244
BALANCE BAF	_	Registered	77053653	3436917
BALANCE GOL		Renewed	<u>75854595</u>	<u>2636101</u>
BALANCE PUR	JE F	Registered	77734900	<u>3760265</u>
BALANCE	F	- ifth Extension - Granted	85099094	0700200
BALANCE BAR		Fifth Extension - Granted	<u>85099118</u>	
	ty die van die keine van die	Prosecution History	3333113	
Entry Number	History Text	Date	Due Date	
1	FILED AND FEE	Feb 14, 2012		
2	NOTICE AND TRIAL DATES SENT; ANSWER D		Mar 25, 2012	
3	PENDING, INSTITUTED	Feb 14, 2012	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 16, 2012		
5	EXTENSION OF TIME GRANTED	Mar 16, 2012		
6	STIPULATION FOR AN EXTENSION OF TIME	May 18, 2012		
7	EXTENSION OF TIME GRANTED	May 18, 2012		
8	STIPULATION FOR AN EXTENSION OF TIME	Jul 21, 2012		
9	EXTENSION OF TIME GRANTED	Jul 21, 2012		
10	STIPULATION FOR AN EXTENSION OF TIME	Aug 15, 2012		
11	EXTENSION OF TIME GRANTED	Aug 15, 2012		
12	STIPULATION FOR AN EXTENSION OF TIME	Oct 12, 2012		
13	EXTENSION OF TIME GRANTED	Oct 12, 2012		
14	STIPULATION FOR AN EXTENSION OF TIME	Dec 14, 2012		
15	EXTENSION OF TIME GRANTED	Dec 14, 2012		
16	NOTICE OF DEFAULT	Apr 08, 2013		
17	D MOT TO SET ASIDE DEFAULT/ACCEPT LATE	ANSWER Apr 23, 2013		
18	PROCEEDINGS RESUMED	May 17, 2013		
19	D MOT FOR EXT W/ CONSENT	Jun 10, 2013		
20	EXTENSION OF TIME GRANTED	Jun 27, 2013		
21	P APPEARANCE / POWER OF ATTORNEY	Aug 12, 2013		
22	P MOT FOR EXT W/ CONSENT	Aug 12, 2013		
23	EXTENSION OF TIME GRANTED	Aug 27, 2013		
24	D MOT FOR EXT W/ CONSENT	Nov 11, 2013		
25	TRIAL DATES REMAIN AS SET	Dec 12, 2013		
26	P RESP TO BD ORDER/INQUIRY	Dec 17, 2013		
27	EXTENSION OF TIME GRANTED	Jan 09, 2014		
28	NOTICE OF DEFAULT	Feb 07, 2014		
29	BD DECISION: SUSTAINED	Apr 03, 2014		
30	TERMINATED	Apr 03, 2014		
Proceedir	Type of Proceeding: Opposition Proceeding Number: 91197748 Filing Date: Dec 07, 2010			

Proceeding Number: 91197748

Status: Pending

Filing Date: Dec 07, 2010 Status Date: Dec 07, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: GFA Brands, Inc.

Correspondent Address: MARTA S LEVINE QUARLES & BRADY LLP 411 EAST WISCONSIN AVE MILWAUKEE WI, 53202 UNITED STATES

 $\textbf{Correspondent e-mail:} \quad \underline{\text{marta.levine@quarles.com}} \text{,} \\ \underline{\text{david.cross@quarles.com}} \text{,} \\ \underline{\text{tm-dept@quarles.com}} \text{$ Associated marks Mark Serial Registration **Application Status** Number Number SMART BALANCE Opposition Pending 77864268 Plaintiff(s) Name: Balance Bar Company Correspondent Address: R GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER STREET, #605 BABYLON NY , 11702 UNITED STATES $\textbf{Correspondent e-mail:} \hspace{0.2cm} \underline{docket@schroederlawpc.com,gschroeder@schroederlawpc.com} \\$ **Associated marks** Mark Serial Registration **Application Status** Number Number BALANCE Renewed 76194400 2745850 Section 8 and 15 - Accepted and BALANCE BAR GOLD 78409022 2999244 Acknowledged Section 8 and 15 - Accepted and BALANCE BAR 78416165 3036771 Acknowledged **BALANCE BARE** Registered 77053653 3436917 BALANCE Registered 85099089 3937988 BALANCE BAR Registered 85099106 4062171 **Prosecution History** Entry **History Text** Date Number **Due Date** FILED AND FEE 1 Dec 07, 2010 NOTICE AND TRIAL DATES SENT; ANSWER DUE: 2 Dec 08, 2010 Jan 17, 2011 3 PENDING, INSTITUTED Dec 08, 2010

Jan 12, 2011

Jan 28, 2011

Feb 07, 2011

Oct 06, 2011

Nov 17, 2011

Aug 06, 2013

4

5

6

7

8

9

ANSWER

APPEARANCE

MOTION TO CONSOLIDATE

CONSOLIDATED - CHILD OF 91196954

CHANGE OF CORRESPONDENCE ADDRESS

P APPEARANCE / POWER OF ATTORNEY